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# Federal PROBATION

*a journal of correctional  
philosophy and practice*

Overcoming Legal Barriers to Reentry: A Law School-Based Approach to Providing Legal Services to the Reentry Community

*By Todd A. Berger, Joseph A. DaGrossa*

Policy Implications of Police-Probation/Parole Partnerships: A Review of the Empirical Literature

*By Adam K. Matz, Bitna Kim*

Community Management of Offenders: The Interaction of Social Support and Risk

*By Anna Macklin*

Creating a Supervision Tool Kit: How to Improve Probation and Parole

*By Lily Gleicher, Sarah M. Manchak, Francis T. Cullen*

Using Research to Improve Pretrial Justice and Public Safety: Results from PSA's Risk Assessment Validation Project

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Officer Stress Linked to CVD: What We Know

*By James M. Vicini Jr.*

Juvenile Focus

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

# Overcoming Legal Barriers to Reentry: A Law School-Based Approach to Providing Legal Services to the Reentry Community

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**MUCH HAS BEEN** written in recent years about the topic of prisoner reentry. With over two million people incarcerated in America's prisons and jails and more than 600,000 being released into the community annually, probation and parole officers, judges, social welfare agencies, community-based groups, and other organizations have worked to develop effective ways of helping ex-offenders reintegrate into their communities and reduce the risk of recidivism. Despite these efforts, offenders returning home after serving terms of incarceration face an assortment of barriers to reentry, many of which are related to legal issues. This article describes a joint effort undertaken by the United States District Court for the District of New Jersey and Rutgers University School of Law (Camden) to provide legal services to offenders designed to overcome some of these legal barriers to reentry and assist them in their reintegration.

United States probation officers have received significant training in identifying the reentry challenges that face incarcerated individuals upon release from prison. Some of the challenges most commonly faced by ex-offenders include issues related to drug and alcohol abuse, mental illness, lack of stable housing and medical care, and a need for job training and employment skills development (Petersilia, 2003; Thompson, 2004). With resources including contracts with drug/alcohol and mental health treatment providers, partnerships with job training programs, and an assortment of in-house programs, U.S. probation officers are well-equipped to address the needs of the supervised population.

However, in addition to the common reentry barriers identified above, many ex-offenders frequently encounter obstacles to successful reentry that are legal in nature. These issues may include, but are certainly not limited to, child support-related matters, the suspension of a driver's license due to outstanding fines or unresolved traffic offenses, difficulty obtaining various professional licenses due to criminal convictions, and impediments related to receiving various forms of federal financial aid (Fishman, 2006; Legal Action Center, 2004). Despite the prevalence of such barriers to successful reintegration, access to legal services providers has historically been far more difficult for ex-offenders to obtain than access to other types of service providers. Indeed, this phenomenon has prompted one legal commentator to note that, in the context of reentry reforms and initiatives, "little attention has been paid to the role that the legal community should play" (Thompson, 2004, p. 1).

The reasons for the dearth of legal services available to ex-offenders are numerous and varied. For one, many of the legal barriers that ex-offenders encounter are civil in nature. Unlike criminal matters, there is no right to free legal counsel to address most outstanding civil legal issues (*Turner v. Rodgers*, 2011). A great many of those released from prison each year have little financial resources at their disposal and simply cannot afford to hire a lawyer (Western & Pettit, 2010). Furthermore, many attorneys who provide civil legal services to the poor are severely overwhelmed. While many of these civil legal services providers do

in fact make concentrated efforts to address the needs of the formerly incarcerated, the sheer volume of clients, coupled with a lack of resources, significantly limits the number of clients and scope of legal issues that these organizations can effectively handle (Udell & Diller, 2007).

As a result, ex-offenders seeking legal representation often have little choice but to seek out pro-bono legal counsel from private law firms. However, despite the resources of large law firms and the significant numbers of attorneys practicing in the United States, pro-bono attorneys have generally failed to adequately address the need for free civil legal services among many working-class and middle-income American families. Rhode (2004), for instance, has suggested that fully 80 percent of the poor's civil legal needs are not met. While the efforts of the many attorneys who provide legal services to ex-offenders should be commended, there are far more ex-offenders in need of legal services than there are pro-bono attorneys available to handle their cases.

Even beyond the difficulty of finding large law firms and individual attorneys willing to represent those with criminal records, finding pro-bono counsel is further complicated by the fact that the legal industry has become increasingly specialized. This is true both in private practice and public interest law. However, the legal barriers to successful reentry are often not concentrated in one particular practice area. Instead, the formerly incarcerated may encounter several different legal barriers to successful reentry

simultaneously, such as owing outstanding child support as well as having a driver's license suspended. Unfortunately, due partly to increased specialization, many lawyers are simply unwilling or unable to tackle the broad range of civil legal issues that have come to represent significant obstacles to successful reentry (Thompson, 2004).

Many of those who cannot afford representation and cannot locate pro-bono counsel able and willing to represent them will simply forgo pursuing legal remedies because they are intimidated by the system. Those who consider representing themselves may feel overwhelmed at the prospect of navigating the court system and give up pursuing legitimate civil actions because of the procedural difficulty of doing so. Additionally, many ex-offenders feel as though the court system will not take them seriously unless they are represented by an attorney and therefore avoid mounting formal challenges to legal barriers to reentry. Finally, non-lawyers do not have the same experience or knowledge of the substantive issues at play in particular cases. This is especially true in cases involving complex statutory legal claims and those requiring Constitutional analysis. As a result, those who choose to represent themselves in court are far less likely to be successful than those who have representation (Buhai, 2009; Lewis, 2007; Seron, et al., 2001).

## The Rutgers Federal Prisoner Reentry Project

The Rutgers Federal Prisoner Reentry Project (RFPRP) was created in 2010 in an attempt to address the legal services gap in the reentry landscape. The creation of the RFPRP was spearheaded by U.S. District Court Judge Noel L. Hillman and represents a unique collaboration between the Rutgers School of Law (Camden) and the U.S. District Court and Probation Office in the District of New Jersey.

Before release from custody and during the phase of reentry planning, offenders meet with their assigned probation officers. During this initial meeting, which typically includes a review and explanation of the conditions of supervision, offenders are screened to determine if they have any legal needs that could be addressed through a referral to the RFPRP. The legal services provided by the RFPRP are designed to represent ex-offenders in the litigation of many different types of civil legal matters. Offenders who are referred to the program are assigned a second- or third-year law student. Under the supervision

of the program's managing attorney, the students learn the intricacies of conducting legal research pertinent to the issues faced by the client and how best to litigate the case at hand. Students conduct client interviews, write briefs on the client's behalf, and represent the client in various proceedings as needed.

Law students provide legal services through two specific curricular mechanisms. First, the Project was initially incorporated into the law school's existing pro-bono programs. Students who were in at least their second year of law school were invited to participate in the Project and receive "pro-bono credit" toward an existing scholarship requirement, recognition of having completed a designated number of pro-bono hours on their law school transcript, recognition at graduation, or any combination of these.

Beginning in its second year, the Project was incorporated into the law school's Civil Practice Clinic. Students who currently choose to participate in the Project through the Civil Practice Clinic, unlike their pro-bono counterparts, receive academic credit for their efforts as opposed to only credit for having completed a certain number of pro-bono hours.

Providing reentry legal services through the use of law students is an approach that has been embraced by legal observers and reentry advocates (Thompson, 2004). There are several reasons for this. For example, by having law students engage in providing legal services to ex-offenders, law schools can rectify a common criticism of American legal education: that law schools do little to prepare their students for the actual practice of law (American Bar Association, 1992; Sullivan et al., 2007). Moreover, law students who participate in the RFPRP are exposed to far more than the basics of legal skills training. Through the process of providing ex-offenders with legal representation, law students are exposed to the realities of their client's lives as well as the various administrative and policy hurdles the formerly incarcerated encounter when attempting to reenter their communities. Students not only come to recognize the importance of providing much-needed legal services to the reentry community, they also recognize that the satisfaction of doing so can be a reward in itself. As perhaps best stated by Cordray (2011), "law students' participation in pro bono work can help not only in filling the void in legal services, but more importantly, it can acquaint students with the scope and seriousness of America's unmet legal needs,

and encourage them to continue pro bono work throughout their careers. It also enables students to start using their legal training to assist people in need, which can help students maintain their passion for justice, learning the law, and helping others" (p. 30).

The resulting relationship is therefore beneficial to all parties: The offenders receive free and much-needed legal assistance in helping them overcome obstacles that once may have seemed insurmountable, the law students gain real-world experience in client advocacy and litigation, and the probation officers know that their ex-offenders are receiving valuable help in resolving complex matters that may impede their successful reentry.

As stated previously, legal issues faced by the formerly incarcerated cut across many different practice areas. For example, civil legal issues such as child support fall within the practice of family law, while other issues, such as those relating to occupational licensing, fall within the domain of labor and employment law. Moreover, outstanding warrants for failure to appear in court for traffic violations or unpaid fines have a quasi-criminal element to them due to the possible existence of a warrant, the potential for arrest and a sentence of incarceration, and the same burden of proof (reasonable doubt) that is employed in criminal cases (*State v. Feintuch*, 1977). For this reason, legal services providers may find themselves in a domain that is neither purely civil nor purely criminal. Because the legal issues faced by ex-offenders require a level of expertise in many different types of law, legal commentators have argued that an entity providing reentry legal services should eschew the emerging legal practice paradigm of specialization in specific areas and instead develop a broad range of expertise, much as a lawyer who considers himself a general practitioner (Thompson, 2004). For this reason, the general legal practice model formed the basis for how the RFPRP provides legal services to those referred by the U.S. Probation Office. This model is particularly advantageous for clients who present multiple legal needs; rather than seek out many individual attorneys to handle each separate legal issue based on their area of expertise (which is extremely difficult to do on a pro-bono basis), the RFPRP can address the vast majority of any given ex-offender's legal issues in a single setting. When (rarely) the RFPRP is not able to provide direct representation to a client, the client receives a referral to an attorney within the community who is familiar with

the program and willing to represent the ex-offender on a pro-bono basis.

## Resolving Common Civil Legal Issues

The direct representation provided by the RFPRP has thus far addressed many different types of legal issues. Among these issues are:

- addressing significant amounts of past due child support,
- having suspended driving privileges restored,
- appealing the denial of occupational licenses,
- addressing failures to register for Selective Service (which precludes the awarding of federal student financial aid to offenders seeking to return to school), and
- resolving immigration issues.

The examples discussed in this section—child support, driving, and occupational license issues—are among the most common situations addressed by the RFPRP. We note that many ex-offenders also cite them as being among the issues they need most assistance with upon release from imprisonment: In a recent multi-state survey of offenders about to be released back into the community, 45 percent cited a need for assistance with outstanding child support matters, 83 percent reported the need for a driver's license, and 80 percent reported a need for employment (Visher & Travis, 2011).

### *Child Support*

Many inmates find that they owe significant amounts of child support upon their release from custody. In 1999, an estimated 63 percent of all inmates in federal facilities and 55 percent of those in state facilities were parents of children under the age of 18 (Mumola, 2000). Many non-custodial parents who become incarcerated owe significant amounts of past-due support, and child support orders in many states continue to remain in effect while parents are incarcerated. As a result, parents are frequently released from custody owing large amounts in arrears. A study conducted in Massachusetts, for example, found that parents enter prison owing on average \$10,453 in past-due support (Thoennes, 2002). A similar study conducted in Colorado found that the average incarcerated parent owes \$11,738 in past-due child support for each of his child support orders upon entering prison and leaves prison owing approximately \$16,000 in support (Pearson & Davis, 2001).

There is little argument that child support provides much-needed income for many families. However, some have suggested that large monthly child support payments may drive ex-offenders away from their families or discourage them from seeking legitimate employment out of fear of being subjected to large garnishments on their paychecks (Brennan, 1998). Those returning home from prison who owe back child support in the State of New Jersey, for example, are subject to a wage garnishment up to the federally-allowed maximum of 65 percent of their income; this is reduced to 55 percent if they are required by law to support another child beyond the child who is the subject of the particular support order (15 U.S.C.A. § 1673 (1978); N.J. Stat. Ann. § 2A: 17-56.9 (1998)). Further compounding the poverty of many ex-offenders before entering prison is the adverse effect of time spent in prison on earning potential after incarceration. Among the many reasons for this income reduction are the stigma of a criminal conviction, various licensing restrictions, and significant absence from the labor market. Even if an ex-offender succeeds in finding employment, the time spent in prison is likely to reduce earning potential. When returning prisoners do secure jobs, they tend to earn less than those with similar background characteristics who have not been incarcerated (Western, Kling & Weiman, 2001). This “wage penalty” of incarceration has been estimated at approximately 10 to 20 percent (Travis, Solomon & Waul, 2001).

High child-support arrears and a child-support garnishment of between 55 to 65 percent of an obligor's paycheck can play a significant role in preventing the ex-offender's successful reintegration. As a result, ex-offenders often have little incentive to find legitimate employment. At best, the employment they find may be “under the table.” This type of work means that a person does not pay into Social Security or any type of pension and does not receive the kinds of workplace protections offered to people who maintain legitimate, documented employment. At worst, this lack of legitimate gainful employment can lead one back to a life of crime.

Providing direct legal representation to those with significant child support arrears can mitigate the likelihood of such a scenario. Currently, federal law prohibits a state trial court judge from reducing or eliminating any amount of child-support arrears that had accumulated before a request to modify or

terminate a child-support order (42 U.S.C.A. § 666 (a)(9) (2006)). However, New Jersey state provisions allowing for child-support garnishment of between 55 to 65 percent of the obligor's paycheck do not control if a trial court judge has issued a child-support order that specifies the exact amount of the arrears to be withdrawn from the obligor's paycheck (N.J. Stat. Ann. § 2A:17 – 56.8 (1988)). Therefore, in New Jersey, the percentage of an ex-offender's paycheck subject to garnishment can be significantly reduced. While the order providing for the exact amount of money to be garnished varies depending upon the circumstances of each individual case, the direct legal advocacy provided by the RFPRP has almost always been successful in reducing the amount of any wage garnishment to far below the 65 percent allowed by law to satisfy past-due support. By attacking the reciprocal relationship between low wages and significant garnishment of arrears payments, which may contribute to the likelihood of recidivism, this particular type of direct legal representation provided by the RFPRP addresses an extremely important reentry-related need.

### *Driver's License Suspensions*

Often, having a driver's license is an important component of successful prisoner reentry. This is particularly true for basic economic reasons. Zimmerman and Fishman (2001) estimate that more than 90 percent of all American workers who commute to their jobs rely on the use of a private automobile (Zimmerman & Fishman, 2001). Having a driver's license (assuming one has access to an automobile) can greatly expand the geographic area in which one can find meaningful employment. This is particularly important because research demonstrates that many employers, especially those in the field of manufacturing, are abandoning American cities for suburban locations, thereby requiring inner-city residents to travel farther to get to and from work (Wilson, 1996). Additionally, having a driver's license may be a requirement for certain employers and may play a role in employee retention and promotion. Finally, having reinstatement of driving privileges often represents a very important symbolic step for the ex-offender. For many offenders returning to the community, having a valid driver's license means more than simply being able to drive; it is a symbol of one's integration into law-abiding society.

There are many different reasons why a driver's license may be suspended. For the

ex-offenders referred to the RFPRP, the most common reasons for a suspension stem from either unpaid fines for traffic or criminal offenses or the failure to resolve outstanding traffic matters, which in some cases date back many years (N.J. Stat. Ann. § 2C:46-2(1)(a)(2005); N.J. Stat. Ann. § 39:4-139.10(a)(2008)). The RFPRP can provide direct legal representation to address these particular issues by first working directly with the New Jersey Motor Vehicle Commission to identify the sources of the client's driver's license suspension. Once the reasons for the suspension are identified, the RFPRP often sends letters of legal representation to the various local courts that had suspended the license. These courts then typically schedule dates to address the outstanding respective issues. Frequently, if a warrant has been issued in an unresolved case, the student attorneys can convince the prosecuting authority to dismiss the outstanding ticket(s). If a dismissal cannot be obtained, the student attorneys, under the supervision of the Project's managing attorney, advise the client of the appropriate course of action—either entering a guilty plea or proceeding to trial. The client thus receives high-quality legal counsel in deciding what type of disposition would best resolve the pertinent issue.

When an ex-offender's driver's license has been suspended for a failure to pay fines, the same process is followed. However, once in court, the student attorneys frequently engage the judge directly on the appropriate course of action with respect to the unpaid fines. After thoroughly researching the legal remedies available, students advocate on behalf of the client. Often this involves urging the trial judge to vacate the remaining fines and lift the license suspension or vacate the amount owed in exchange for community service of some kind, as provided for under New Jersey law (N.J. Stat. Ann. § 2C:46-2 (2005)). However, if the judge rejects these courses of action, student attorneys forcefully advocate that their client be put on a reasonable payment plan and that driving privileges be reinstated as long as the client remains current on the payment plan. In either case, the matter is often resolved, resulting in a lifting of the suspension and facilitation of the offender's successful reentry into the community. In many cases the U.S. Probation Office has even been able to assist offenders in paying mandatory license restoration fees by making use of monies available through the Second Chance Act.

### *Occupational Licenses*

In New Jersey, as in many states, the issuance of an occupational license may be denied on the basis of a prior criminal conviction. As a result, the many occupational licensing provisions that have the effect of disqualifying ex-offenders represent a significant obstacle to successful prisoner reentry (May, 1995). In New Jersey alone, there are over 22 categories of crimes that result in an absolute bar to certain types of employment (Fishman, 2006). Additionally, there are several other areas of employment requiring an occupational license that can be denied for certain types of criminal convictions. These include (but are not limited to) licensing requirements to work in auto body repair, diesel and emission inspection stations, towing and highway services providing parkway services, establishments offering legalized games of chance, and community residences for people with developmental disabilities.

In many cases, license restrictions based on an applicant's prior criminal record can be overcome if the applicant can demonstrate successful rehabilitation (*Rehabilitated Convicted Offenders Act*, N.J. Stat. Ann. § 2A:168A (1982)). Offenders who present a need for occupational licensing and are referred to the RFPRP by their probation officers meet with the assigned student attorneys, who begin by researching the applicable restrictions as well as any legal relief that could potentially be provided. If the client has already applied for and been denied a license for employment based on a prior criminal conviction, the student attorneys file an appeal on the client's behalf. Additionally, student attorneys prepare for the administrative law judges hearing the appeal materials that demonstrate the ex-offender's reintegration and argue accordingly on the client's behalf at the appeals hearing. If an appropriate resolution cannot be reached, the Project considers pursuing legal remedies beyond the administrative agency in question, including challenging the agency's decision in state or federal court.

### **Case Studies**

#### *Edward*

Edward was released from prison in 2010 after serving a 70-month term for possession of a firearm. At the age of 34, he found himself residing with his wife and 10-year old son but unemployed and unable to locate work. Living in an economically-depressed area, he found his efforts to find work further frustrated by his suspended driver's license. Edward had

unresolved traffic tickets in three different municipalities, including two complaints of driving while intoxicated, which pre-dated his term of federal imprisonment. He was referred to the student attorneys at the RFPRP, who accompanied him to the various municipal courts and were able to have several tickets dismissed and payment plans established for several others. With regard to the DUIs, the student attorneys prevailed upon the courts to allow Edward to participate in a single two-day class for intoxicated drivers which satisfied both courts, who ordered the respective tickets dismissed. The probation office then provided him with funds under the Second Chance Act to pay his state-mandated driver's license restoration fee. Almost immediately, he secured employment working for a nearby glass manufacturer, a position he has held for the past two years. He is paying the fines owed on his tickets monthly and is saving money with plans to enroll in a school to obtain either a forklift operator's certificate or a commercial driver's license.

#### *Truong*

Truong was born in Vietnam in 1979. His father died before he was born and his mother brought him and his two siblings to the United States when he was 9 years old. He began using marijuana at age 24 and his drug use soon extended to include ecstasy. He held a variety of short-term jobs, including work in a meat-packing plant. He became involved in selling marijuana, however, and was released from prison in 2011 after serving a 60-month sentence. His problems became further compounded when, shortly following his release from custody, he lost his wallet, which contained all of his identification and his alien card. Upon applying for a new green card, he was told that one could not be issued, because he was under an ICE deportation order. However, since the United States lacks the appropriate treaty to deport to Vietnam people who immigrated to the United States in the 1980s, Truong was told by his ICE officer that his deportation was unlikely, thereby leaving him in a state of limbo in which he could not be granted a new alien registration card but could not be removed from the country, either. A referral was made to the RFPRP and the student attorneys assisted Truong in navigating the process to allow him to apply for employment authorization in lieu of a new green card. His work authorization was subsequently granted and shortly thereafter he obtained employment from a company

that builds and installs decking and flooring, a position he has held for the past two years.

### Carlos

Also convicted of drug distribution, Carlos was released to supervision in 2011 at the age of 40 and returned home to live with his wife and two children, ages 13 and 9. Before his imprisonment he had held an assortment of jobs, but much of his prior employment had been spent working in the local hotel and casino industry. Shortly after beginning supervision, he obtained employment as a bar porter at a local casino, stacking glasses and dishes in the casino's restaurants. Despite the fact that his offense had been committed eight years earlier (in 2003; he was not arrested until 2008), the gaming commission intervened to deny him the appropriate license on the basis of his conviction (all employees who work within the local industry are required to be licensed). Carlos was referred to the RFPRP, where student attorneys prepared the appropriate appeal paperwork and represented him at a hearing before the licensing board. As a result of their efforts, Carlos was not only allowed to obtain the appropriate license needed to work in the restaurant, but he was cleared to obtain other licenses required to work in any other facet of the industry. He has maintained his employment at the casino for the past two years and several months ago picked up a second job, driving for a local soft drink distributor.

### Conclusion

Since its inception in the summer of 2010, the Rutgers Federal Prisoner Reentry Project has provided legal services to nearly 100 ex-offenders under federal supervision in the District of New Jersey. The response to the program from ex-offenders under supervision has been overwhelmingly positive, and the Project is beneficial to all parties involved. Clients referred to the RFPRP receive free expert legal assistance in a variety of areas from a single service provider. Moreover, when a referral is made to the RFPRP and matters are successfully resolved, ex-offenders take another step in their ongoing efforts toward reintegration and are better equipped to function in a healthier, more law-abiding fashion, which contributes to compliance under supervision. This, of course, also benefits the community as a whole by addressing the needs of the returning prisoner population. Student attorneys receive valuable, hands-on training in litigation and, by advocating for

their clients in a pro-bono capacity, come to appreciate the important role of law in promoting social justice.

Finally, probation officers enjoy the benefit of knowing that their clients' most pressing civil legal matters are being addressed by skilled practitioners. Success stories such as those contained here are particularly valuable when viewed within the context of research on the importance of the relationship between probation officers and those under supervision. A significant amount of literature in the helping professions has suggested that a collaborative relationship between practitioner and client fosters greater compliance with treatment directives and contributes to improved outcomes (Beck, 1995; Horvath & Luborsky, 1993; Norcross, 2011). Perhaps not surprisingly, therefore, a growing body of research in the field of community-based corrections has found that ex-offenders are more likely to comply with the terms of their supervision when they believe that they have been justly punished, are treated fairly, and enjoy an open and collaborative relationship with their parole officials (Skeem, et al., 2007; Trotter, 1996; Viets, Walker & Miller, 2002). Many offenders beginning periods of supervision, particularly those who have served several prior terms of probation or parole and bring with them a somewhat distrustful view of parole authorities, are taken aback when introduced to the RFPRP and realize that the court, probation office, and law school are working together to provide them with such a valuable service. When this occurs, the rapport between the ex-offender and the probation officer is strengthened and the supervisee begins to view the probation officer not as an oppressive agent but rather as someone who has his best interests in mind.

We are currently collecting data on the volume of cases processed through the RFPRP as well as evaluating the outcomes of legal matters thus far treated by the Project. We are confident that the results of this evaluation will be helpful in advocating for additional funding for the program well into the future. We believe that the continued success of the Rutgers Federal Prisoner Reentry Project will be an integral part of our ongoing efforts to, in the words of the U.S. Probation Office's Charter for Excellence, "make our communities safer and make a positive difference in the lives of those we serve."

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# Policy Implications of Police-Probation/Parole Partnerships: A Review of the Empirical Literature<sup>1</sup>

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**IN MANY CASES**, law enforcement is likely to come into contact with individuals who possess a long history of criminal involvement (Kennedy, 1997). Police may express frustration over apprehending criminals only to see them walking the streets a month later, sometimes referred to as the “revolving door” of the justice system. It is no secret that a majority of offenders will be rearrested for new crime after release; roughly one-half to two-thirds will recidivate (i.e., be rearrested) within three years (Langan & Levin, 2002; Pew Center on the States, 2011). In an evaluation of Boston’s Operation Ceasefire, researchers found that a small number of youth were responsible for a disproportionate amount of violent crime (Braga, Kennedy, Waring, & Piehl, 2001). Specifically, 1 percent of youth (often gang-affiliated) were responsible for up to 60 percent of all youth homicides. Up to 50 percent of these offenders, as well as many victims, were under probation or parole supervision at the time of the crime (Braga, 2008a).

Similar trends have been found in other cities. Researchers of homicide in Lowell, Massachusetts, report that 44 percent of offenders and 18 percent of victims were under probation supervision at the time of the crime (Braga, Pierce, McDevitt, Bond, & Cronin, 2008). Further, 94 percent of homicide offenders had served time in an

adult or juvenile correctional institution and 89 percent had served former probation terms. Looking to the West Coast, a study of Stockton, California, described a similar trend (Braga, 2008b). Forty-five percent of homicide offenders had served a prior term of probation, and 40 percent were actively under probation supervision at the time of the offense. Looking at victims, 41 percent had served a prior term of probation, while 24 percent were under community supervision at the time of their death.

Though these figures are based on the most violent of crimes (i.e., murder), the larger reality that a small proportion of youth and young adults are responsible for a majority of crime, consistent with the developmental/life-course criminological theories (Laub & Sampson, 2006; Moffitt, 2006), has distinct implications for law enforcement and community corrections. Namely, if a large majority of these former offenders are under community supervision, the fact that their crimes are committed without intervention speaks to a gap in the criminal justice system to detect and intervene accordingly.

Over the last two decades, several agencies across the country have moved to address this gap between agencies and initiated various programs (such as Boston’s Operation Night Light) to harness the collaborative potential of law enforcement and community

corrections agencies (Katz & Bonham, 2009). The primary assumption of these programs is that both entities possess distinct intelligence and resources that if combined should better address, prevent, or intervene in the violence perpetuated by this criminogenic population. Despite the potential, police-probation/parole partnerships continue to be highly individualized and informal. Additionally, many authors have cited various dangers inherent in such partnerships, including *stalking horse* incidents, organizational lag, mission distortion, and mission creep (Kim, Gerber & Beto, 2010; Murphy & Lutze, 2009; Murphy & Worrall, 2007).

This review begins with a summary of the history of partnerships between law enforcement and probation/parole agencies and continues with discussion of the various types of partnerships, their goals, the current climate of research, and notable problems. From this review, recommendations for policy and practice are presented and discussed.

## History of Police-Probation/Parole Partnerships

Law enforcement’s willingness to get involved in interagency collaborations is in part associated with the shift to a community-policing (also known as problem-oriented policing) mindset over the past few decades (Byrne & Hummer, 2004). A common criticism of law

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enforcement and the justice system in general has been the predisposition to be reactive (Peak & Glensor, 1999). The political pressure to improve police practice and respond to crime more proactively has motivated law enforcement agencies to rethink how they have done business. As a result, the historically paramilitaristic approach has given way to a modern approach aimed at including the community and related agencies in the crime problem-solving process (Benekos & Merlo, 2006; Marion & Oliver, 2012).

Boston's Operation Night Light, a component of a larger initiative known as Operation Ceasefire (also known as Boston's Gun Project) is regarded as the first formal police-probation partnership (Corbett, 1998; Corbett, Fitzgerald, & Jordan, 1998; Jordan, 1998; Kennedy, Braga, & Piehl, 2001; Minor & Matz, 2012). This distinction as a "formal" partnership is important because up to that point many informal partnerships or communications between police officers and probation officers who knew each other likely existed but went undocumented. The motivation for formalizing the Boston partnership was a dramatic increase in youth gang-related activity in the early 1990s. The central goal of the partnership was to reduce juvenile recidivism and violent victimization through increased enforcement of curfews, geographic restrictions, gang-association restrictions, and other probationer constraints.

Prompted by a chance meeting between members of Massachusetts' Dorchester District Court and the Boston Police Department anti-gang unit, police and probation officers realized they were often dealing with the same individuals. Informal meetings led to a series of brainstorming sessions. On November 12, 1992, two probation officers, Stewart and Skinner, got in a police car with two police officers, Merner and Frataglia, to perform the first of many joint patrols (Corbett, 1998). Officer Stewart later went on record stating:

We never used to leave the office or talk to police...but in the early 1990s the probation office looked like a MASH unit and we were seeing these [police] officers in the courthouse all the time, and we realized we were all dealing with the same kids. And one day they said, do you want to ride together? (Kennedy et al., 2001, pp. 11–12)

The basic regimen of the partnership consisted of probation officers selecting 10–15 of their most high-risk youths from among those between the ages of 17 and 25 and gang-affiliated (Corbett, 1998). The plain-clothed

police and probation officers used unmarked cruisers while visiting each probationer at home, school, or workplace while also driving through hotspot locations known for criminal behavior and youthful congregation. Courts offer probation officers wider latitude in conducting full-blown searches of offenders and their homes than they do average citizens (see for example *U.S. v. Knights*, 2001). While conducting these visits and checking for probationary compliance, officers would also discuss substance abuse treatment and other social service options with youths and their families.

As the peak time for criminal behavior is in the evening to late-night hours, the probation officers also adjusted their normal business hours (8-5) accordingly. It was believed that this late-night presence would send a stronger message of accountability to probationers. The involvement of the police offered additional authority figures for probation efforts and provided support. By being involved, the police became more aware of the probationers and their corresponding conditions so that, when not on joint patrols, police could continue to serve as additional eyes for probation.

Operation Night Light included an information-sharing component between police and probation but also with other justice agencies (Corbett, 1998). For example, probation officers often used the police gang unit's intelligence when justifying to judges the need for specific curfew and area restrictions as conditions of probation supervision. Law enforcement also engaged federal agencies such as the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives in gathering and sharing pertinent information.

As a result of the successes achieved with Boston's Operation Night Light, other jurisdictions throughout the country created partnerships between law enforcement and probation/parole agencies (Kim et al., 2010). For those jurisdictions amenable to collaboration, police-probation/parole partnerships are likely to exist under a few different models and to fulfill different purposes, including enhanced supervision (e.g., joint patrols), fugitive apprehension, information sharing, specialized enforcement (by focusing on a specific problem such as gang membership), and interagency problem solving (Benekos & Merlo, 2006; Kim et al., 2010; Parent & Snyder, 1999). A given partnership may include one or several such purposes or even progressively alternate between these models. In addition,

the degree to which these partnerships are formalized tends to vary, with the majority existing under informal communications between police and probation officers (Kim et al., 2010).

Enhanced supervision partnerships are the most common model, operating in numerous jurisdictions across the United States. Enhanced supervision partnerships are most notable for having joint patrols, with police and probation/parole officers riding together in the same cruiser. These coordinated joint patrols target specific high-risk individuals and consist of random compliance checks under the conditions of their probation/parole. Examples of enhanced supervision partnerships include the Minneapolis Anti-Violence Initiative (MAVI) in Minnesota; Operation Night Light in Boston; Project One Voice in New Haven, Connecticut; Smart Partners in Bellevue and Redmond, Washington; Neighborhood Probation in Maricopa County/Phoenix, Arizona; Nightlight in San Bernardino, California; the Juvenile Intensive Supervision Team (JIST) in Kentucky; the Youth Violence Reduction Partnership (YVRP) in Philadelphia, Pennsylvania; and Texas' Project Spotlight (Anonymous, 1999; Jucovy & McClanahan, 2008; Kim et al., 2010; Lowe, Dawson-Edwards, Minor, & Wells, 2008; McClanahan, 2004; Worrall & Gaines, 2006). Though an exact figure is not available, there are believed to be well over 20 police-probation/parole enhanced supervision partnerships across the country (Decker, 2008).

As an example of an information-sharing partnership, the American Probation and Parole Association (APPA) is in the process of implementing an automated information exchange between the Interstate Compact for Adult Offender Supervision and state fusion centers (Matz, 2012). Once implemented, participating state fusion centers will receive automatic e-mail notices of probationers/parolees being transferred into their state. State fusion centers will subsequently share this information with local law enforcement. This example involves the coordination of multiple agencies, but it fails to address community problems through street-level collaboration with probation and parole. Nonetheless, information-sharing partnerships typically involve the sharing of offender information within legal limits (e.g., sensitive treatment and health information is protected by HIPAA, 42 C.F.R.) (Matz, 2012).

Fugitive apprehension units are similar to information-sharing efforts but focus specifically on locating and apprehending absconding probationers or parolees (Kim et al., 2010). In addition, unlike information-sharing partnerships, which are meant to be long-term, fugitive apprehension units may be temporarily formed to address a very specific problem.

Finally, specialized enforcement partnerships and interagency problem-solving partnerships, with the involvement of a variety of justice and non-justice organizations, aim at the detection of and response to a given community problem. Examples of such programs include the Boston Reentry Initiative (Braga, Piehl, & Hureau, 2009), Project Safe Neighborhoods (Papachristos, Meares, & Fagan, 2007), Operation Ceasefire (Braga et al., 2001), Weed & Seed (Benekos & Merlo, 2006), and Project Exile (Rosenfeld, Fornango, & Baumer, 2005). While these collaborations included law enforcement and community corrections, they also included community and faith-based organizations. In most cases, law enforcement, the prosecutor's office, the courts, and corrections served as the deterrence message to high-risk probationers/parolees, while community-based organizations provided offenders with services and options to assist with desistance (e.g., job training, substance abuse treatment).

## Research and Evaluation on Partnerships

In terms of measureable effectiveness (i.e., outcomes) in reducing crime, police-probation/parole partnerships have not been comprehensively and systematically evaluated (Anonymous, 1999; Worrall & Gaines, 2006). However, one of a few exceptions was Corbett (1998), who attempted to quantify the effectiveness of Boston's Operation Night Light partnership, which was initiated in November 1992. He did so by comparing homicide trends in Boston before and after Operation Night Light using available homicide data between 1993 and 1997. That is, there were 93 homicides in 1993 as compared to 39 through November of 1997. The number of firearm-related assaults dropped from 799 in 1995 to 126 through November of 1997 (Corbett et al., 1998). Additionally, from 1995 to 1997, there were no juvenile firearm-related homicides. Corbett's findings, however, fail to account for any other variables that may have impacted homicide trends. First, many other initiatives associated with the Boston Gun Project (such

as ATF gun seizures and increased prosecution) were targeting at-risk youth at that time (Kennedy, 2001). Second, homicide rates have dramatically declined across the country over the past two decades (Rosenfeld et al., 2005).

An evaluation of San Bernardino's Nightlight partnership by Worrall and Gaines (2006) used more rigorous statistical techniques (time series and displacement/diffusion analysis) but came up with inconclusive results. Program components were similar to Boston's Operation Night Light, including curfew enforcement, joint patrols, and school contacts. The authors used arrest records as a proxy to crime, which they admitted come with inherent limitations (i.e., arrest record trends may not be analogous to crime trends). Nonetheless, their time-series analysis showed a significant reduction in burglary, assault, and theft when comparing San Bernardino (the experimental city) with Fontana (the control city) during the time of the partnership.

Though the statistical techniques were more rigorous compared to previous studies, the Worrall and Gaines (2006) study has similar limitations to Corbett's (1998) study. Namely, other variables may have led to the decline in San Bernardino arrests (e.g., other initiatives, demographic differences between cities). Further, arrest counts may owe more to changes in police behavior than in criminal behavior. Finally, while Corbett (1998) looked at homicide rates, Worrall and Gaines (2006) omitted homicide from their analyses. Worrall and Gaines instead used the 11 most common offenses based on available statistics: felony robbery, assault, burglary, theft, motor vehicle theft, misdemeanor assault/battery, petty theft, marijuana arrests, disturbing the peace, vandalism, and curfew violations. As such, police-probation/parole partnership effectiveness continues to be a point of contention, and at this time there is no established, uniform method to assess a partnership's impact on criminal behavior.

Despite inconclusive academic evidence on the benefits of the partnerships in terms of crime reductions, consistent anecdotal evidence from practitioners indicates that these partnerships have several potential benefits (Kim et al., 2010). Of utmost importance is the fact that each agency is likely to benefit, establishing a *quid pro quo* that is a necessary element of any sustainable relationship. From the community corrections perspective, the police can offer additional protection. This protection may be especially valuable for unarmed probation officers. Further, police

often have more advanced telecommunications services and technology than probation agencies, and police have a greater street presence than community corrections. Meanwhile, police obtain a new means of intelligence gathering and greater involvement in offender monitoring.

## Problems Associated with Partnership

Though the benefits are plentiful, partnerships also involve several obstacles and dangers, including the notion of the *stalking horse*, net widening, turfism, mission distortion, mission creep, and organizational lag (Kim et al., 2010; Murphy & Lutze, 2009; Murphy & Worrall, 2007). Some of these issues, such as the *stalking horse*, may border on infringing upon an individual's civil rights, while others involve the subconscious altering of an organization's mission and changing the way individual officers perform their job. Given the lack of conclusive research findings, agencies must take care to understand the risk posed by police-probation/parole partnerships, in addition to the potential but unclarified benefits.

First, the *stalking horse* refers to situations when police officers use probation officers inappropriately as a means to enter a probationer's home without a search warrant or *probable cause* (Murphy & Worrall, 2007). In such cases, police officers may use probation's legitimate access to a probationer's residence as a means to harass probationers and conduct illegal searches that are at odds with a probationer's fourth amendment protections from unreasonable search and seizures (Samaha, 2002). Though probationers have a lesser right to privacy than normal citizens, they only forfeit their right to freedom from searches by probation officers as a condition of their probationary term, not to police (unless explicitly written into a probationer's conditional supervision as ruled in *U.S. v. Knights*, 2001). In most cases, police officers must still obtain probable cause to search a probationer or his or her residence. When police officers direct probation officers on searches, a concern arises that this could constitute an abuse of authority (Murphy & Worrall, 2007). Several negative ramifications could occur from *stalking horse* incidents, including any evidence obtained being inadmissible in court, a threat to the integrity of the police-probation partnership, and civil liability placed on the probation officer (Adelman, 2002).

Though *net widening* most often refers to the use of diversion programs and other

alternatives to incarceration that have increased the number of individuals under state control, here it refers to the additional surveillance of offenders who would otherwise receive less supervision under community supervision for the same offense (such as lower-risk probationers receiving increased offender monitoring) (Byrne & Hummer, 2004). Giblin (2002) evaluated the Anchorage Coordinated Agency Network (CAN) program in Alaska; CAN increased normal nonviolent probationary terms, which consisted of about one monthly in-person contact, to three monthly in-person contacts, with the assistance of law enforcement. Giblin found that the increased supervision and surveillance of the police-probation partnership led to an increase in the number of probation violations. This is consistent with previous literature demonstrating that with increased offender monitoring there are greater rates of technical violations for noncompliance. As highlighted by the risk/need/responsivity (RNR) principles, too much monitoring (particularly for low-risk individuals) may do more harm than good (Andrews, Bonta, & Hoge, 1990; Looman, Dickie, & Abracen, 2005).

*Turfism* concerns the issue of self-interest and territorial protection within organizations (Giacomazzi & Smithy, 2001). Establishing an interagency partnership requires two or more autonomous agencies to voluntarily join forces to address a common dilemma. Yet even when collaboration is mutually desirable, not all agencies are able or willing to be involved. Likewise, some may only be involved as long as they hold the majority of the final decision-making power. In some cases, agencies may choose to take part in the partnership out of self-interest and the preservation of their turf, and individuals may strive to maintain control of the partnership to protect their own interests (such as funding). A common error is for the law enforcement agency, which often instigates partnerships, to unilaterally determine both the problem and the appropriate response strategy prior to convening the collaborative. In the East Bay Public Safety Corridor Partnership, for example, the community-based agencies and community members were displeased with the crime response because they were not included until late in the project's life cycle (Bureau of Justice Assistance, 1997). In essence, law enforcement had already determined the problem and defined the strategy, with little consultation with community partners. It was not until the intervention stage that community partners

were asked to participate. As a result, the partnership was considerably weaker and the partner organizations were less cooperative.

The notion of *mission distortion* is of concern specifically to probation officers (Murphy & Worrall, 2007). Mission distortion is the process by which a given professional's role orientation becomes skewed by the influence and ideology of a partner agency. Probation/parole officers are particularly susceptible to adopting a law enforcement orientation, in which officers focus exclusively on the role of enforcement as opposed to addressing reintegration needs such as substance abuse, employment, housing, and anger management (Corbett, 1998; Kim et al., 2010; Murphy & Lutze, 2009). This can lead to increased offender monitoring—with the resulting problems mentioned earlier—in lieu of effective reentry strategies. Meanwhile, police officers are at risk of taking on more of a social worker role than their agency mission may dictate. Proper partnership management and administration have been cited as the key to keeping partner agency roles in check (Murphy & Worrall, 2007).

Taking a slightly different angle, *mission creep* concerns the continued expansion of the probation/parole or police officer role as a result of greater community collaboration (Corbett, 1998). As officers become more engaged in the community, they will likely assume additional tasks and responsibilities outside their original responsibilities. For example, this may involve officers serving as brokers or referral agents for human services, community, and faith-based organizations, or responding to situations outside of their agencies' purview (e.g., non-probation/parole or police complaints).

Finally, *organizational lag* concerns the issue of conducting organizational transformation amidst often overriding bureaucratization in the justice system (Corbett, 1998). Bureaucracies have a tendency to perpetuate traditional methods and prioritize organizational longevity over equitable justice (Benekos & Merlo, 2006; Marion & Oliver, 2012). As the concept of interagency partnerships between police and probation agencies is relatively new, it requires innovation and flexibility to thrive. If an interagency partnership is overly constrained by traditional agency practices and protocols, the bureaucratization may lead to the partnership's collapse. A willingness by management and administration to allow the partnership participants to innovate and experiment within the collaborative is

important for interagency growth. Given the top-down chain of command that permeates government and the justice system, partnerships must be endorsed and driven by organizational leaders with the ability to motivate and mobilize officers on the street and in offenders' homes.

## Recommendations for Policy and Practice on Police-Probation/Parole Partnerships

Though police-probation/parole partnerships continue to become more formalized, as described in the literature, a comprehensive understanding of their formation, how they work, and their effectiveness is still within the infancy stage of empirical examination (Kim et al., 2010). Their formation has been little understood and often described as informal in nature. Their operation and purposes appear to vary based on need, with some consistent themes such as joint patrols, increased offender supervision, and information sharing. There appears to be a lack of consistent methodology for measuring partnership success, though various practitioners have articulated their benefits on several occasions.

The literature has focused mostly on the existence and rationale of police-probation/parole partnerships, with a great deal of effort put into highlighting their dangers (Anonymous, 1999; Condon, 2003; Corbett, 1998; Corbett et al., 1998; Evans, 1997; Jannetta & Lachman, 2011; Jones & Sigler, 2002; Jordan, 1998; Katz & Bonham, 2009; Malcan, 1997; McKay & Paris, 1998; Minetti & Malcan, 1997; Murphy & Lutze, 2009; Murphy & Worrall, 2007; Parent & Snyder, 1999; Taxman, Young, & Byrne, 2003; Wooten, 1998). Some authors have tried, with limited results, to establish a link between partnerships and crime reduction (Corbett, 1998; Worrall & Gaines, 2006).

To progress away from informal partnerships, an intuitive and comprehensive logic model is sorely needed (Taylor-Powell, Steele, & Douglass, 1996). Logic models (similar to business process mapping) are commonly used for program development, implementation, and evaluation (Taylor-Powell, Rossing, & Geran, 1998). Such models graphically outline how a program/project/collaborative is expected to work and how it will achieve its goals and objectives. A national baseline logic model for police-probation/parole partnerships could outline the various situations in which partnership is relevant, the priorities of the partnership (e.g., gangs), resources

necessary (e.g., officer time, willingness to alter business flow), activities to be conducted (e.g., joint patrols, information to be shared), clientele (e.g., probationers, parolees, families of offenders), and desired outcomes (e.g., reduced recidivism, desistance).

Currently, there is little guidance for law enforcement or community corrections outside of a handful of government reports (Bureau of Justice Assistance, 2007; Carter, Bumby, Gavin, Stroker, & Woodward, 2005; Jucovy & McClanahan, 2008; Katz & Bonham, 2009; Rinehart, Laszlo, & Briscoe, 2001). While initiatives such as Project Safe Neighborhoods and collaborative toolkits such as the Office of Juvenile Justice and Delinquency Prevention's comprehensive gang model (2002) and the APPA's C.A.R.E. model may provide some support for partnerships more generally (DeMichele & Matz, 2012; 2010; Matz, Lowe, & DeMichele, 2011), stricter guidance at the national level specific to police-probation/parole partnerships would support formalization at the local level (see Jucovy and McClanahan's guide for implementing the YVRP, for example). Formalization, in turn, would yield a climate more conducive to research, specifically process and outcome measurements. This research can then be used to improve the programs.

That said, *collaboration* has become somewhat of a buzzword at the federal level. Many U.S. Department of Justice programs require agencies to establish partnerships as a condition of their grant awards (e.g., Project Safe Neighborhoods) (Taxman et al., 2003). While this is undoubtedly well intended and necessary, the act of collaborating itself is a complex endeavor that remains under-examined from an empirical perspective (Kim et al., 2010), with research focused more on outcomes (i.e., crime-reduction figures) than processes (i.e., how the programs/interventions/partnerships operate).

The infusion of research with practice is often met with resistance from local agencies. For example, in a Broward County, Florida, experiment on domestic violence, the researchers received constant resistance from the prosecutor's office concerning random assignment of treatment (Feder, Jolin, & Feyerherm, 2000). Though the research was funded by the National Institute of Justice and passed Institutional Review Board review, the prosecutor's office was adamant that the practice of randomly assigning participants was unethical, and the office went so far as to file an appeal against the study's methodology.

In another example, an Oregon domestic violence experiment had garnered the support of the police chief and involved a supportive steering committee of victim advocates and justice personnel (Feder et al., 2000). However, during the process of the program's administration, it was discovered that the police administrator would unilaterally change the intervention plan to reach more individuals. While many federal government grant programs require research or performance metrics, these examples suggest that there needs to be a greater emphasis placed on educating practitioners in the field about how process and outcome evaluations work and why researchers use random assignment and dosage to determine effectiveness. In addition, researchers should take extra time to explain their study's methodology prior to implementation.

It is unlikely that police-probation/parole partnerships will be met with public criticism or political backlash. Many interest groups, such as the APPA and International Association of Chiefs of Police (IACP), strongly support law enforcement and community corrections collaboration. Further, the local agencies have been continually developing and formalizing their partnerships, as evidenced by various programs populating research articles over the past two decades (Anonymous, 1999).

Legally, the *stalking horse* has been the most contested aspect of police-probation/parole partnerships (Adelman, 2002). However, the U.S. Supreme Court ruled in *U.S. v. Knights* (2001) that if a probationer/parolee consents to searches by police and probation/parole officers as a condition of his/her supervision, then police are only required to articulate a *reasonable suspicion*, as opposed to *probable cause*, for conducting a search of the person or residence (without the probation/parole officer's presence). It should be noted that rarely do the courts or community corrections agencies require probationers/parolees to submit to law enforcement searches as a condition of supervision; rather this is typically reserved for the probation/parole officers. The question then becomes whether courts should include law enforcement searches as a condition of supervision. The local courts and community corrections agencies have significant discretion in determining what conditions are necessary. However, empowering police officers to perform warrantless searches on probationers/parolees, while it may be popular with the public and politicians, represents

a reduction in the probationers/parolees' civil rights. Such decisions should carefully weigh this loss of civil rights against the risk posed to public safety, and may, unless carefully circumscribed, face legal challenges that they go beyond the recent court precedents.

The use of partnerships, particularly enhanced supervision, should be focused on high-risk offenders. For instance, the majority of partnerships have been prompted by gang activity (Corbett, 1998; Kim et al., 2010), a good target for intensive intervention. Prior research has demonstrated that intensive programming (e.g., increased monitoring) can lead to increased criminality of low-risk offenders (Andrews et al., 1990; Looman et al., 2005). The risk/needs/responsivity (RNR) principle has gained wide acceptance in community corrections, and efforts should be made to convey to law enforcement this evidence-based strategy of focusing on higher-risk offenders.

Finally, partnership is beneficial for community corrections, in part, because of poor resource allocation. Nine out of every ten dollars spent on corrections goes to institutions (i.e., jails, prisons) (Pew Center on the States, 2009). Though about 5 million adults are under community supervision compared to the 2 million incarcerated (Wodahl & Garland, 2009), community corrections continues to receive the lesser share of the financial support. Community corrections agencies continue to suffer from organizational strains such as high caseloads, extensive workloads (report writing, court appearances), and limited mobility that prohibit proactive supervision strategies (DeMichele, 2008; DeMichele & Payne, 2008; DeMichele, Payne, & Matz, 2011). Additionally, budgetary woes from the recent recession have led some correctional institutions, such as Montana's Department of Corrections, to develop early-release programs (Wright & Rosky, 2011). These early releases come at the expense of adequate reentry planning and exacerbate the strains experienced by probation and parole agencies (referred to as "criminal justice thermodynamics" by Wright and Rosky).

Durlauf and Nagin (2011) suggest the need to reduce the reliance on incarceration in favor of policing or support for probation and parole. With this in mind, it is imperative that community corrections, amidst shifts in policing or corrections, receive greater support than it has been given to date. While partnership with law enforcement enables probation and parole to provide more intensive

supervision on the street, it should not serve as a substitute for additional support and organizational independence. Police agencies are larger than probation and parole. As a result, mission distortion is a large concern. Though partnerships are needed, law enforcement should not consume or replace the probation/parole agency.

In summary, here are seven recommendations for policy and practice in police-probation/parole partnerships:

1. Formalize police-probation partnerships as programs with clear, measureable goals and objectives.
2. Define policies and legal parameters on searches of probationers/parolees conducted by law enforcement with or without the presence of the probation/parole officer.
3. Institute policies on interagency interactions that provide boundaries and preserve each agency's mission.
4. Promote partnership research through practitioner training/education.
5. Garner political and public support through buy-in and transparency.
6. Reserve enhanced supervision partnerships for high-risk probationers/parolees.
7. Improve resource allocation for community corrections.

## Conclusion

Interagency partnerships are well received by the media and public, supported by the federal government and various interest groups (e.g., APPA, IACP), and positively regarded by local agencies. The literature reviewed convincingly indicates the benefits of police-probation/parole partnerships and the need for formalizing those partnerships. However, much remains to be learned. The impact of the partnerships between police and probation/parole on outcomes is highly disparate because of differences in goals and implementation strategies. While some evidence provides support for these programs' effectiveness (Corbett, 1998; Worrall & Gaines, 2006), results remain inconclusive and additional research is needed. That said, many partnerships are informal and those that are formal tend to be more developed and possess unique objectives. To conduct research on these partnerships, a comprehensive logic model is needed (Taylor-Powell et al., 1996). Additionally, more information is required about multiple financial, logistical, and geographic barriers to formalizing the partnerships between police and probation/parole

that will likely require innovative methods to overcome.

While the community policing mindset coincides well with community corrections and offender reentry, a clear line needs to be drawn to limit how far law enforcement can go acting independently within the partnership. It is concerning that in some cases probationers/parolees may be subjected to warrantless searches by police officers with merely a *reasonable cause*, with little or no input from the community corrections officer. Policies and a memorandum of understanding (MOU) need to be carefully articulated to maintain each agency's independent authority.

Finally, enhanced supervision partnerships should be focused on the most high-risk offenders (Andrews et al., 1990; Looman et al., 2005). These offenders require greater supervision. Law enforcement is in a position to provide a street presence that, due to various organizational limitations, probation and parole cannot achieve. Until greater support is allocated to community supervision, law enforcement may be the optimal supplemental resource for supervising high-risk offenders in the community.

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# Community Management of Offenders: The Interaction of Social Support and Risk

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**RELATIONSHIPS AND SOCIAL** support have been found to be important both to the commission of crime and to how people desist from such behaviors. Hochstetler et al. (2010) define social support as the amount of support (emotional and instrumental) that someone receives to help with everyday activities. Several studies have found that, in addition to being offered through advice and counsel, social support can be provided both formally—for example, by government assistance programs—or informally, such as through groups of friends, schools, and churches (McLewin & Muller, 2006; Pratt & Godsey, 2003). Commentators in this area also use the term social capital to describe the everyday social connections between individuals within communities and the cognitive and emotional processes that these connections entail (Cullen, 1994; Meadows, 2007; Bales & Mears, 2008).

Halpern (2005) suggests that most forms of social capital have three components: (1) a social network; (2) a cluster of shared norms, values, and expectancies between individuals belonging to that particular network; and (3) sanctions that help to maintain norms within the group or amongst members. Using these three components it is easy to see how social support and positive pro-social networks can be vital to supporting people in desisting from criminal behavior. While social capital may entail “criminal social capital” where networks facilitate offending, other support networks such as family or areas of pro-social engagement such as a workplace can also encourage desistance (Mills & Codd, 2008). Research into the life-course theories of offending, such as that by Laub and Sampson (2001, 2003),

has increasingly identified norms, obligations, and interdependencies within social networks that offer tangible resources such as housing and employment; in addition, social networks motivate people to undergo the cognitive and emotional processes that support the termination of offending (Cullen, 1994; Mills & Codd, 2008; Bersani, Laub & Nieuwebeerta, 2009).

## **Defining and Conceptualizing Social Support**

Criminological research has often identified the significant contribution of criminal social networks in encouraging and supporting continued offending. Traditional risk factors that have been noted include criminal associates and family criminality (Farrington et al., 2001; Lykken, 1995). Social networks that an individual perceives as supportive but that include criminal peers (i.e., other substance users and offenders) have been found to contribute to negative outcomes such as substance use relapse, criminal justice involvement, and victimization/violence (Peters & Wexler, 2005). Within many of the current offender risk assessment tools, criminal networks and criminal peers—including the criminal histories of family members and any gang membership and associations—are part of the calculations of offenders’ risk of re-offending or risk of order violation (Gendreau et al., 1996; Cullen & Agnew, 2003; Andrews & Bonta, 2007).

Researchers into social capital as it has been traditionally conceptualized and measured have not provided detail on specific pro-social elements that could be quantified and measured. Most definitions of social capital and social support tend to be neutral, such as that by Bourdieu (1986), who defined

social support as the “resources available to members of social networks as a result of their social connections.” Most research studies examining factors and elements making up pro-social networks or social support processes related to offending have not grouped these separate factors into one measurement of social capital or social support. Criminologists have measured how individual factors such as poverty, social exclusion, domestic violence, low socio-economic status, truancy, and poor mental health (Gendreau et al., 1996; Cullen & Agnew, 2003; Broner et al., 2009; Hochstetler et al., 2010) contribute to the risk of offending. Researchers have then inferred that combinations of these individual factors produce or result in poor social capital.

As researchers have focused more on theoretical developments regarding the complexity and interaction of the variety of factors involved in desistance, they have paid increasing attention to the differences between positive and negative social capital and their overall effects on criminal behavior. The current debate in this area appears to be split between those who argue that low social capital influences the occurrence of criminal behaviors and those who believe offending behavior weakens existing pro-social bonds. Most research appears to argue that offending behavior further erodes already weak social support. That is, offending is most likely among those already identified as being “at risk” due to their social environments and family backgrounds. Studies have shown that early delinquent behavior facilitates social disconnection by those “at risk,” disrupts development of pro-social bonds, and facilitates associations with deviant peers (Laub

& Sampson, 2003; Schreck & Fisher, 2004; Schreck, Stewart, & Fisher, 2006; Chen, 2009; Cobbina et al., 2010).

## Sources of Social Support for Offenders

Social support (social bonds) has been found to contribute to the formation of pro-social identities (Braithwaite, 1989; Murray, 2005). Social bonds theory attributes this to the stake in conformity that ties to family, employment, or educational programs create: In other words, they constitute a reason to “go straight.” Where these bonds are absent, individuals have less to lose from continuing to engage in offending behaviors (Clear, Waring, & Scully, 2005; Laub & Sampson, 2001; Ward & Maruna, 2007; McNeill et al., 2005). In some cases offenders with strong ties to negative social networks (e.g., criminal gangs) actually have something to lose by not engaging in offending behavior (Melde & Esbensen, 2012).

Sampson and Laub (1993) argue that social ties held by adults are important because these ties create systems of obligation that retrain someone from acting upon criminal propensities. To date, processes encouraging effective reintegration following imprisonment have generally emphasized involvement by offenders in a variety of social institutions, such as family, school, work, and social service and civic organizations.

Pro-social relationships have also been found to reduce offending behavior by reducing situational opportunities for criminal behavior. This may be one reason that involvement in employment may operate as a protective factor against re-offending (Giordano, Cernkovich & Rudolph, 2002; Maruna & Toch, 2005).

Other research advocates the direct intervention and activation of social capital (Farrall, 2004) by repairing an offender’s existing social networks (e.g., relationship counseling) or involving offenders’ families in offender management itself. Families are most likely to be aware of the circumstances that lead an offender to re-offend, and they often prompt and support offenders to engage in interventions such as drug treatment (Mills & Codd, 2008). However, it is also important to recognize that not all families are a positive influence in the lives of their members. Some families may themselves engage in criminal activity or be the cause of the offending; in such cases, they are unlikely to promote desistance (Farrington, et al., 2001; Farrington & West, 1993; Farrall & Sparks,

2006). Families in areas of low social capital, those lacking extended social support networks outside the immediate family, and families that offer negative relationship models, such as those characterized by domestic violence and substance abuse, are unlikely to have the appropriate material and social resources to provide effective social support to their members.

The members of offenders’ families have also been shown to face significant challenges and stressors as a result of a family member’s imprisonment or community sentence. Consequences have included financial and housing problems; social stigma and victimization; and loneliness, anxiety, and emotional hardship (Murray, 2005). The children of prisoners have been found to experience more hostility or bullying at school as well as psychological harm and behavioral disturbances as a result of parental involvement with the criminal justice system (Bocknek, Sanderson, & Britner, 2009; Phillips & Zhao, 2010; Murray, Farrington & Sekol, 2012). Research also suggests that the responsibility to provide social support to offenders falls disproportionately on women—partners, mothers, and sisters—regardless of the gender of the prisoner (Codd, 2005; Glaze & Maruschak, 2008). Continued stress compromises the ability of such families to provide effective and positive social support over time. Therefore, those seeking to develop effective social support networks for offenders must often focus upon other networks and relationships.

## Providing Social Support Through Community Supervision

Theoretical work in the area of effective community supervision has tended to focus on identifying and addressing risk factors and targeting criminogenic needs as the most effective way of “addressing offending behavior” and reducing recidivism. Most of those working within corrections are familiar with the principles of targeting interventions and correctional treatment based on the risk and need principles discussed by Andrews and Bonta (2007) (risk, need, and responsivity). However, consensus on what constitutes effective practice in community supervision remains an area of investigation for correctional researchers.

What is clear from the emerging evidence base on community supervision is that those who work with offenders tend to achieve limited results unless they first establish and then maintain an effective working relationship.

Studies in desistance have identified the building of a professional working alliance as a necessary basis for achieving compliance and nurturing the motivation to change (Burnett & McNeill, 2005; McCulloch, 2005; Ward & Maruna, 2007; McNeill, 2009). Research suggests that the quality of a working relationship between offender and officer can have as much influence as the content of any intervention and is a major predictor of success or failure of efforts to help people change (Smith, 2004). Offenders appear to interpret advice about their behaviors and underlying problems as evidence of concern for them as people, and are seemingly motivated by displays of interest in their well-being (McNeill, 2006). Research examining practitioner skills and supervision styles has discovered that quality professional relationships require the use of strong communication, engagement, counseling, and interpersonal skills; practitioners with these skills and the ability to accurately convey empathy, respect, warmth, and “therapeutic genuineness” are the most successful in encouraging desistance (McNeill et al., 2005; Maguire & Raynor, 2006; Tatman & Love, 2010). Studies of the contribution of therapeutic relationships to motivation to change have found that a significant percentage of overall behavioral change (in some cases upwards of 30 percent) can be attributed to the therapeutic relationship (Assay & Lambert in Hubble et al., 1999; Andrews & Bonta, 2010; Kozer & Day, 2012).

Research on effective correctional practice also points to the importance of practical assistance to offenders by case managers. The actions of a case manager in providing practical assistance may confirm his or her trustworthiness to the offender. This suggests that it is critical to establish loyalty and trust with offenders in order to give the relationship between the offender and the supervising officer legitimacy (Robinson & McNeill, 2008; Maguire & Raynor, 2010). Relationships perceived by the offender to be based upon trust and reciprocity are more likely to elicit “normative compliance,” based on a sense of moral obligation, a wish to maintain the relationship, and the perceived “legitimacy” of the conditions imposed. This is in contrast to “instrumental compliance,” which is influenced by deterrents and incentives but does not affect the person’s internal value system (Bottoms, 2001) and therefore is unlikely to achieve long-term commitment to desistance from criminal behavior.

Evidence is mixed on the best way to provide practical assistance in developing social support for offenders under community supervision. Some researchers have found that offenders do not expect direct action, but value the opportunity to discuss their problems and receive informal advice and guidance to help them understand and address them (Rex, 1999; Marshall & Serran, 2004; Rocque et al., 2013). However, increasingly the weight of evidence in this area suggests that direct intervention and activation of social capital through repairing an offender's existing social networks (e.g., relationship counseling) or creating new social networks is preferable for most offenders. In the case of creating new networks, the supervising officer can achieve this through assisting and supporting offender engagement with identified pro-social institutions and broader community resources. With existing networks, community corrections staff need to carefully assess their appropriateness. As discussed previously, some families with appropriate pro-social attitudes and connections provide such support, but certain families will not have this capability. The supervising officer must assess the family of origin of each individual offender to grasp their likely contribution (positive or negative) to an offender's motivation to desist from crime.

### **Offender-Centered Strategies to Improve Social Support**

The current literature on effective practice also discusses the need to review the available resources for supporting change within an offender's social networks in light of pro-desistance factors, including the offender's positive qualities and strengths. To maximize success, the supervising officer needs to recognize, exploit, and develop an offender's competencies, resources, skills, and assets (Schoon & Bynner, 2003). Such approaches to case management have been termed "person-centered." The officer seeks to facilitate participation by engaging with what matters to the offender, using the offender's own frame of reference, and being flexible rather than imposing a pre-formulated plan (Marshall & Serran, 2004).

Research indicates that social support manifests differently for particular offender groups. For example, research on sexual offenders has found that for this group social support risk factors related to reoffending include negative social influences, rejection and loneliness, lack of concern for others, lack of cooperation

with supervision, impulsivity, and poor cognitive problem solving (Hanson, Harris, Scott & Helmus, 2007; Thornton, 2002). Proposed solutions have included the use of specially trained community volunteers to provide social support to such offenders. The provision of this social support, in conjunction with other strategies, appears to address the loneliness, negative social influences, and lifestyle instability that are known to lead to recidivism among sexual offenders. The development of a therapeutic alliance with this type of offender is more difficult for correctional officers due to the high compliance requirements for these offenders. Providing an independent external person for support and guidance is likely to be a more effective means of improving social bonds for such offenders (Wilson et al., 2009).

For offenders with diminished capacity, such as those with intellectual disabilities or acquired brain injuries, improving social capital requires correctional officers to identify abuse or manipulation within a social network. Such offenders are much more likely to have problems maintaining appropriate boundaries with others and often lack the capacity for self-protection. For offenders with mental health issues, the processes associated with negotiating familial and other relationships are often a source of conflict and stress. Successful development of social support and pro-social relationships for offenders with these difficulties is likely to require assistance from specialists in the mental health or intellectual impairment area (Broner et al., 2009).

Female offenders present another area of future research in the intersection of effective community supervision and improvement of social support. Relationships are often central to female offending behavior. Researchers have shown that for many women relationships can promote offending (Alarid et al., 2000; Griffin & Armstrong, 2003), and that family ties can be an important and successful protective factor in reducing offending. Most female offenders live with their children and serve as the primary caregiver. This relationship promotes attachment to conventional institutions such as schools and other pro-social networks (Giordano, Cernkovich, & Rudolph, 2002; Cobbina et al., 2010).

The development of social capital supporting desistance from offending behavior for women is highly likely to involve addiction treatments, as substance abuse has been found to have particularly negative effects on women's social support networks (Mallik-Kane & Visher, 2008). In addition, significant

proportions of the female offender population have experienced physical and sexual abuse, including high rates of domestic violence. Officers must exercise caution when dealing with social networks where abuse may be occurring. Upfront involvement and collaboration with specialist DV services and workers who can act as victim advocates is most likely to be effective in gaining the required information while ensuring personal safety (Crowe et al., 2009).

Desistance from crime has been described as a process initiated by the perception of an opportunity to claim a pro-social identity during a period of readiness to reform. Research notes that the development of this "readiness to reform" seems to be slower for young offenders. Among this group, structured, family-based interventions appear to provide the best social bonds. Research consistently shows that when families are involved, outcomes are better (Copello & Orford 2002; Liddle, 2004; Hochstetler et al., 2010). However, as noted before, this depends upon the type of family environment available to the young person. In many cases the family of origin may not be the best option, and the supervising officer may need to investigate and develop other pro-social networks and supports in its place. In these instances, the recommended approach is to develop alternative social networks that can provide similar types of support over an extended period of time (months and years); such support includes advice, mentoring, reducing time spent with delinquent peers, and increasing pro-social activities. Short-term crisis services are unlikely to provide the required protection or connections for young people (Hawkins, 2009).

### **Conclusion**

Despite the important role they play in providing stability and support for an offender during transition, families of offenders report limited avenues of support. In current models of community corrections, the responsibility to bring about behavioral change rests heavily upon an offender—but without an accompanying acknowledgment of the capacity-building and social support that offenders need to implement such change long-term. Stress management skills, relapse prevention strategies, problem solving and goal setting, forward planning, and an ability to manage spare time, boredom, and loneliness are all important skills that can serve as protective factors for an offender coping with life in the community. Such skills can all be ameliorated

through improvements in the social capital available to an offender. Deficits in social networks are likely to be well-established for the majority of offenders; therefore, repairing and/or creating new networks and social bonds require support. A focus on strategies assisting offenders in improving their social capital is showing positive outcomes by increasing the motivation and commitment of offenders to desist from crime. Making the development of social support for offenders a core part of correctional practice will greatly enhance the effectiveness of community supervision.

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# Creating a Supervision Tool Kit: How to Improve Probation and Parole

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**WHEN PROBATION OR** parole officers meet with offenders, what should they do? Of course, there are bureaucratic tasks to be performed—paperwork to be completed or perhaps a drug test to monitor. But the most salient issue is whether, in the often circumscribed supervision meetings, there is anything that officers can do to reduce the likelihood that offenders will recidivate. In the past, most officers were left to fend for themselves. They received either the wrong advice as to what to do—or no advice. Given that about 4.8 million offenders are under community supervision, this failure to supply officers with best practices—with the tools to fix offender deficits—is a major omission on the part of correctional researchers (Maruschak & Parks, 2012). It is time to take a very different direction; it is time to create an effective *supervision tool kit*.

Of course, a growing community corrections population, constrained budgets, and unwieldy caseloads have, in part, contributed to ineffective supervision practices. Many officers have been unable to do little more than take a “pee ‘em and see ‘em” approach. Moreover, perhaps because officers may perceive certain strategies as less time-consuming and resource-intensive, one answer that has been given to probation and parole officers is to encourage them to talk tough with offenders. Essentially, this strategy involves intensive supervision combined with officers threatening offenders with revocation if caught violating supervision conditions. As will be discussed below, this approach has been shown to be ineffective at reducing

recidivism and should be removed from any best practices tool kit we might fashion.

An emerging line of inquiry has recently demonstrated more promising results. The approach starts with recognizing that probation and parole must embrace not only the control of offenders but also their rehabilitation. Especially with high-risk offenders, threatening revocation and even applying punitive sanctions have minimal enduring effects. They may suppress untoward conduct in the moment, but they do not achieve lasting behavioral change—the kind of change that will contribute to public safety. By contrast, emerging research suggests that officers might have positive effects on supervisees by moving in a more human services direction. One aspect is to build quality relationships with offenders. Another key tool is to use the extant knowledge on the principles of effective intervention to frame interactions with offenders in supervision meetings. Here, we report on important developments in this regard. The goal is to show both that officers can have meaningful effects on offenders and that our knowledge about what the best supervision tools might be is growing.

## What Does Not Work

The work role of a probation and parole officer includes a mixture of both treatment and control-oriented strategies. Thus, traditionally, probation and parole officers were expected both to help and police offenders. In the 1980s, a natural experiment was conducted that changed community corrections in a decidedly more control- and

punitively-oriented direction. Instead of rehabilitation as the primary goal, community corrections embraced a “get tough” approach—that is, to adopt a model of community supervision that was oriented more toward control, surveillance, and law enforcement. The shift from rehabilitation to a “get tough” approach resulted in the expanded use of intermediate sanctions such as intensive supervision, electronic monitoring, boot camps, drug testing, and home confinement. This shift occurred for four major reasons.

First, one factor spurring the creation of such alternatives to incarceration was prison overcrowding and the concomitant inability of states to fund the high cost of incarceration (Petersilia, 1998). Second, studies of felony probation showed the inability of probation officers to closely supervise felony probationers and to lower their recidivism. As a result, states wishing to reduce prison populations sought to reform felony probation by making it more intensive and controlling (Petersilia, 1998). Third, Martinson’s (1974) essay discrediting rehabilitative efforts fostered more questions about whether rehabilitation actually worked. Fourth, there was political support for the expansion of the use of intermediate sanctions. Morris and Tonry’s (1990) book *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System* influenced the creation of more graduated sanctions rather than a polarized option of sanctions for judges to choose from (Petersilia, 1998). Importantly, those at both ends of the political spectrum embraced community control programs, especially

intensive supervision. Thus, conservatives liked the “get tough” approach to supervision, whereas liberals liked the prospect of using such programs to divert offenders from prison to the community (Cullen, Wright, & Applegate, 1996).

Notably, the community corrections shift towards a more punitive and control-oriented philosophy was an attempt to give officers new tools for their tool kit. They could disregard any notion that treatment needed to be offered and could now focus their time on threatening, watching, and sanctioning offenders. Underlying this philosophical shift was rational choice theory, which suggested that offenders would choose to conform if confronted with a realistic risk of detection and punishment. Intensive supervision programs attempted to specifically deter offenders from committing crimes through close monitoring in the community in place of incarceration; proponents of rational choice theory believed that the threat of revocation would reduce the likelihood of reoffending (Fulton, Latessa, Stichman, & Travis, 1997).

But did this punishment-deterrence tool work? A number of programs were implemented and evaluated, and the evidence was clear—they did not work (MacKenzie, 2006). For example, Cullen et al.’s (1996) comprehensive narrative review of the literature concluded that ISPs increased surveillance but did not reduce recidivism among ISP probationers unless rehabilitation was used in conjunction with intensive supervision. These findings indicate that “trying to get tougher with ISP offenders is unlikely to be the magic bullet that makes these programs work” (p. 88). In addition, a 1997 report to Congress of a systematic review of 500 scientific evaluations, some of which included intensive supervision programs, concluded that intensive probation and parole supervision did not work (Sherman, Gottfredson, MacKenzie, & Eck, 1998).

Meta-analyses conducted by Gendreau, Goggin, Cullen, and Andrews (2000) and by Drake, Aos, and Miller (2006) found similar results to those of the narrative reviews. Both meta-analyses concluded that ISPs fail to reduce recidivism (Lowenkamp, Flores, Holsinger, Makarios, & Latessa, 2010). Gendreau et al. (2000) examined 47 ISP program evaluations and found ISPs either had no effect or potentially increased recidivism by 6 percent. Similarly, Drake et al. (2006) meta-analyzed 23 surveillance-oriented adult ISP programs and also found that traditional

ISPs had no apparent effect on recidivism (see also Lowenkamp et al., 2010; Drake, Aos, & Miller, 2009). Finally, in one of the largest and most rigorous investigations of ISPs to date, Petersilia and Turner (1993) conducted an evaluation of 14 ISP programs situated in 9 states involving more than 2,000 offenders. They used an experimental design that included random assignment of probationers to intensive supervision or regular supervision. The study revealed that elements of surveillance (for example, increased monitoring, drug testing) have little influence on recidivism, and that there is no significant relationship between increasing surveillance and recidivism reduction. Most important, findings show that ISP did not reduce the frequency of rearrests or the seriousness of the new charges, but it did increase the number of technical violations and the length of jail time. When ISPs included a treatment component, however, recidivism decreased by 10 percent. (Information on any change in technical violations was not reported.) Taken together, these findings tell us that probation and parole officers will not succeed in reducing recidivism if they devote their interactions with offenders to threatening and/or exacting punishment. This control or enforcement model of supervision simply is not evidence based; there is no research to show that it works. It is the wrong tool to use in trying to fix offenders. But if this is the case, then what tools should be used?

On a broad level, the answer is that supervision must involve a human services or treatment component. Indeed, “treatment is potentially an essential and complementary component within community crime control programs” (Cullen et al., 1996, p. 89). Offenders change not by associating with those whose primary goal is to catch them doing bad things and to inflict punishment upon them. Rather, much like the rest of us, offenders change their ways when those people who matter to them are sufficiently involved in their lives to help them think and act differently.

In this content, two possible strategies exist. First, human services can be provided when officers function as program brokers—that is, when they actively refer offenders to treatment programs, help offenders to access services, or run groups themselves. Although this is important, it is not the current concern of this essay.

The second strategy—the main focus here—involves the actual interaction between officers and their supervisees. It may well be

assumed that office visits are too brief or perhaps too bureaucratic to be a conduit through which offender change can be facilitated. But dismissal of the value of office visits now appears to be a mistake. Thus, as noted above, an emerging literature shows (1) that the quality of the relationship between an officer and offender, a sort of therapeutic alliance, is important, and (2) that the content of the officer-offender discussion within the supervision meetings may be essential to effecting behavioral change. In our terms, these are important “tools” that officers can use to “make supervision work.” We discuss them further in the sections that follow.

### **Building Quality Relationships with Offenders**

Developing a high-quality probationer-officer relationship is essential to probationers’ success. In fact, relationship quality is believed to be the most important of the core correctional practices (Dowden & Andrews, 2004). It is the backdrop against which every interaction between the officer and the probationer is colored. High-quality relationships can facilitate better correctional practices among officers and better compliance among probationers. Without such relationships, officers could easily resort to a non-effective authoritarian style that is likely to be met by the probationers with resistance.

Relationship quality in the mandated context is different from that typically seen in a traditional “therapeutic” setting. Traditional therapeutic relationships are likely to be geared primarily toward improving symptoms and functioning and thus are best conceptualized as a “working alliance” that features shared goals, an agreed-upon plan to achieving these goals, and an interpersonal bond (Bordin, 1979; Horvath & Luborski, 1993). In contrast, probation/parole officers must carefully balance their roles as both “counselor” and “cop” if they wish to achieve the dual goals of public safety and offender rehabilitation. As such, the officer-probationer relationship is more than a working alliance; it is a “dual-role relationship” (see Skeem et al., 2007; Trotter, 2006).

High-quality dual-role relationships are fundamentally fostered by the officer. Having a balanced approach toward supervision and placing equal emphasis on control (e.g., monitoring for compliance with the terms of probation) and care (e.g., demonstrating genuine concern for the offender and assisting the offender with his needs) set the tone of the relationship. This alone has been shown

to have an impact on offenders' outcomes. An ethnographic study of 7,000 probationers demonstrated that probationers who are supervised by officers who blended roles as a "law enforcer" and a "therapeutic agent" have better criminal justice outcomes than those who emphasize only one role or the other (Klockars, 1972). Similarly, a study of 240 parolees also revealed fewer violations and revocations among those supervised by officers with a "hybrid" orientation, as compared to law enforcement or social casework orientations alone (Paparozzi & Gendreau, 2005).

Also, building a sense of trust between the officer and the probationer is essential. The probationer needs to feel safe with the officer. If an officer wishes to effect behavioral change, the probationer needs to know he or she can share issues that arise—damning or otherwise—without being judged, belittled, or berated. Officers who can avoid this authoritarian approach and instead employ a more authoritative, "firm-but-fair" approach are likely to be much more successful in establishing a trusting relationship. Officers can—and should—hold offenders accountable for their actions but do so in a way that fosters collaborative problem solving (e.g., by using techniques such as reinforcement and modeling of prosocial behavior), shows genuine concern and respect, and provides the probationer with the opportunity to express his opinion and contribute to decision-making (i.e., "procedural justice"; see Lind & Tyler, 1988; Watson & Angell, 2007). In short, high-quality dual-role relationships involve firmness, fairness, caring, and trust.

Studies of dual-role relationship quality underscore its importance in officer-probationer interactions and probationer outcomes. For example, observer ratings on the Dual-Role Relationship Inventory-Revised (DRI-R; Skeem, Eno Loudon, Polaschek, & Camp, 2007), a measure developed precisely to capture the core features discussed above, is related to in-session officer (e.g., affirming, reflecting, supporting) and probationer (e.g., inverse relationship with resistance) behavior. Officer- and probationer-rated DRI-R scores are related to fewer violations among probationers with serious mental illness (Skeem et al., 2007). In a study of over 100 non-disordered parolees, high-quality dual-role relationships were associated with a longer time to rearrest—even after controlling for personality and risk of the parolees (Kennealy, Skeem, Manchak, & Eno Loudon, 2012). Perhaps most telling, a recent study comparing

specialty and traditional probation for offenders with mental illness found that dual-role relationship quality fully mediated the effects of specialty probation on arrest outcomes of 359 probationers with serious mental illness (Skeem, Kennealy, & Manchak, 2010).

With the new understanding that officer-offender relationships matter and can positively affect offender outcomes, practitioners can work toward building high-quality dual-role relationships into supervision settings. Currently, several models that integrate this knowledge of dual-role relationships show promise and support for officers to be effective agents of change within supervision meetings.

### Effective Supervision Meetings: Three Examples

Each year in the United States, the 4.8 million offenders on probation or parole supervision meet with their supervising officers regularly. These conferences represent an invaluable opportunity for probation and parole officers to impact the lives of their supervisees. During these sessions, officers can interact with offenders one-on-one, under conditions where the offender is reasonably attentive. To reap the full benefits of such interactions, officers need to use effective tools. As noted above, one means of enhancing behavior change in offenders is to build quality relationships with them. However, a second "tool" or strategy involves officers using so-called RNR principles when interacting with offenders (Andrews & Bonta, 2010). Phrased differently, time spent with offenders should not be wasted or spent in ways that are not rooted in a coherent model on how to change offender behavior.

Correctional scholars and practitioners have grown increasingly familiar with the treatment model that argues that effective interventions must adhere to three main principles: risk (R), need (N), and responsivity (R) (Andrews & Bonta, 2010; Gendreau, 1996). This paradigm is often referred to as the "RNR model," an acronym that represents its three core principles. For those less familiar with this approach, we can take a moment to summarize it. First, the risk principle proposes that programs should first identify offenders' risk and then match the intensity of services to risk level, where highest-risk offenders receive the most intensive programming. Second, the need principle states that treatment programs should target offenders' criminogenic needs. These needs, which are also called "dynamic risk factors," are the empirically

established predictors of recidivism that are malleable (i.e., not static) and thus open to being reduced (for example, antisocial attitudes). Third, the responsivity principle suggests that programs should use treatment modalities that are capable of addressing (that is, are "responsive to") criminogenic needs. Cognitive-behavioral therapies are one example of a program that has been found to be particularly effective. Programs also should be tailored to respond to certain characteristics of clients that may constitute barriers to successful treatment. Examples of such barriers, often referred to as "specific responsivity," include intelligence, transportation issues, and mental health (Gendreau, 1996).

Notably, this movement in corrections to adopt the RNR principles has been instrumental in developing effective treatment programs (Andrews & Bonta, 2010; Cullen & Smith, 2011). However, the value of RNR principles is not limited to identifying and creating effective treatment programs into which officers might place offenders (the brokering function). An exciting development is that these principles might be used to inform officer-offender interactions during office visits. Indeed, three closely aligned models have recently emerged that use RNR principles to guide the content of supervision meetings. The goal is to transform such meetings from a time for offenders to merely "report" or "check in" to a time that is used productively to impact recidivism. Below, each model and the available research assessing the approach are reviewed.

### Strategic Training Initiative in Community Supervision (STICS)

Developed by Bonta and colleagues from Public Safety Canada, the Strategic Training Initiative in Community Supervision model—or STICS—uses RNR principles to guide the content of supervision meetings (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez, & Li, 2011). The goal of STICS is to integrate what we know about RNR principles into a "real world" community supervision setting. Bonta and his colleagues first audiotaped probation officer meetings with offenders to determine how well officers actually adhered to RNR principles. Their observations were disappointing. They discovered that there was little, if any, adherence to the risk, needs, and responsivity principles (Andrews & Bonta, 2010). Bonta and his colleagues realized, however, that the audiotape findings offered an important opportunity: It might be possible

to train officers to use their sessions in a more treatment-appropriate way. In essence, the officers needed to be taught the RNR principles and how to use them effectively when interacting with offenders in their meetings.

A General Personality and Cognitive Social Learning (GPCSL) theoretical perspective underlies the STICS model and training. The GPCSL asserts that criminal behavior is: (1) learned and “follows the laws of classical, operant, and vicarious learning” (Bourgon, Bonta, Ruge, Scott, & Yessine, 2010, p. 4); (2) learned through interactions with others in the environment; and that 3) certain risk factors are more important than others—antisocial attitudes and beliefs, for example. The idea here is that the more antisocial or criminal behavior is rewarded and/or the less it is associated with a cost/punishment, the more likely an individual is to continue the criminal or antisocial behavior (Andrews & Bonta, 2010).

STICS consists of a 3-day training that includes 10 modules, or lessons. Overall, the training teaches and explains the GPCSL in an attempt to “buy-in” or motivate probation officers to recognize the importance of STICS and how it can help overcome problems with officers’ clients. The training aims to change officer behaviors within officer-offender meetings, and then use the skills from the training to in turn change the behavior of their clients (Andrews & Bonta, 2010). Within the training, the RNR principles are reviewed and the importance of adhering to these principles is emphasized—specifically when it comes to identifying the criminogenic needs of clients. Officers are taught how to build rapport and a respectful relationship with the client, integrate cognitive-behavioral techniques to sessions, and structure officer-offender meetings to be concrete and meaningful (Andrews & Bonta, 2010; see also Bourgon et al., 2010).

The structure of the officer-offender meetings has four components: check-in, review, intervention, and homework. During check-in, the officer should enhance the relationship with the client, check for any new developments in the client’s life, and check for compliance. The review component assists in facilitating learning through repetition, practice, and rehearsal of material that has already been learned. This helps in the flow of the officer-offender meeting and gives the client practice and constant reinforcement to use the cognitive-behavioral techniques taught within the meeting. Next is the intervention component. The officer conducts an

intervention with the client, teaching some type of cognitive-behavioral intervention (i.e., behavior sequence model, cognitive restructuring, prosocial skills). Homework, the last component, is assigned by the officer and gives the offender the opportunity to practice the newly learned intervention outside of the session (Andrews & Bonta, 2010).

Research on the STICS model shows encouraging results. With regard to training officers, a study by Bonta et al. (2008) of 62 probation officers found that through case files and audiotapes, it was evident that staff needed training to improve adherence to RNR principles during community supervision. The study also showed that the officer-offender contacts were only somewhat related to risk level, and important criminogenic needs were rarely the focus of the sessions (Bonta et al., 2010; see also Bourgon et al., 2010). After the implementation of STICS, Bonta and colleagues (2010) found significant change of officers’ adherence to RNR principles and STICS, and a positive—though non-significant—change in offender recidivism. When compared to the officers in the control group, officers that went through STICS training spent significantly more time targeting criminogenic needs, antisocial attitudes, and higher-quality skills and interventions based on RNR principles (Bonta et al., 2010). Though not statistically significant, Bonta et al. (2010) found a lower recidivism rate for offenders chosen by STICS-trained officers than for offenders assigned to officers in the control group—about a 15 percent reduction. STICS shows encouraging and promising results for changes in both officers’ jobs and offender recidivism.

### **Effective Practices in Community Supervision (EPICS)**

Similar to STICS, Effective Practices in Community Supervision (EPICS), developed by the University of Cincinnati Corrections Institute (UCCI), attempts to equip community supervision officers with knowledge on translating RNR principles into action and using core correctional practices within meetings—specifically with one-on-one interactions with offenders. EPICS strives to teach probation and parole officers how to structure offender-client interactions using evidence-based practices (Smith, Schweitzer, Labrecque, & Latessa, 2012). Research shows that the use of core correctional practices within community supervision services has been associated with considerable recidivism reduction of

offenders (Bonta et al., 2010; Bourgon, Bonta, Ruge, Scott, & Yessine, 2010).

EPICS aims to help probation and parole officers structure face-to-face interactions with offenders, increase dosage with higher-risk offenders, target criminogenic needs, and use cognitive-behavioral and social-learning approaches within officer-offender meetings (Smith et al., 2012). Supervisors and peer coaches are engaged in the training and implementation process of EPICS. This helps develop the proper infrastructure to support adherence to EPICS after training and coaching sessions are over (Smith et al., 2012). EPICS includes a 3-4 day training, monthly meetings with supervisors and peer coaches, and feedback for individual officers. Officers submit audio recordings of one-on-one meetings with clients throughout the process; these are then coded by UCCI research assistants for adherence to the EPICS model and structure. Important to the EPICS model is strong leadership. The leaders are in constant contact with peer coaches from UCCI and hopefully become the resource for the probation or parole office after coaching sessions are completed. Collaboration is key to effectively implementing EPICS and maintaining program fidelity and quality even after UCCI is no longer part of the process (Smith et al., 2012).

Notably, EPICS employs the same four components used in STICS—check-in, review, intervention, and homework—with each component also having similar functions. Check-in consists of building and enhancing rapport with the client while also assessing for crises/needs and compliance of the offender. The review component consists of establishing/discussing the progress of short- and long-term goals, a review of previous interventions, any updates and discussion surrounding outside agencies (i.e., drug treatment, mental health treatment, anger management), and a review of homework. For the intervention component, several cognitive-behavioral techniques are taught to officers, who then implement and integrate the techniques into one-on-one interactions with their clients. Interventions include a behavior chain, teaching a prosocial skill, cost-benefit analysis of behavior, and cognitive restructuring. The fourth component is homework assigned to the offender; this should be based on the newly learned skill. Additionally, the session includes the use of positive reinforcement of clients’ prosocial behavior and/or comments, effective use of authority, and effectively disapproving of clients’ antisocial behavior and/or comments.

A recent study of EPICS shows encouraging results. UCCI research associates coded 93 audiotapes as part of the pilot project for EPICS. Of those tapes, 57 came from the experimental group and 36 from the control group. The results show that when compared to the control group, officers trained in the EPICS model were more likely to target criminogenic needs during sessions and reinforce prosocial behavior and comments (Smith et al., 2012). Smith et al. (2012) also found differences between the audiotaped sessions in the experimental group. Of the 5 tapes officers recorded, there was a significant difference in adherence and use of the EPICS model in sessions with clients—specifically after the second and third coaching sessions—indicating that officer proficiency of core correctional practices occurred as a result of the ongoing coaching sessions (Smith et al., 2012).

### Staff Training Aimed at Reducing Re-arrest (STARR)

Staff Training Aimed at Reducing Re-arrest, or STARR, is similar in concept to both STICS and EPICS. Developed by Lowenkamp and colleagues, STARR aims to train officers in skills the literature identifies as most important to offender behavior change at the federal level of community supervision (Robinson, VanBenschoten, Alexander, & Lowenkamp, 2011). The main goal of STARR is to reduce clients' failure rates and recidivism through the use of trained officers engaging in behaviorally based skills. Similar to EPICS and STICS, the STARR model is developed based on the RNR principles.

STARR includes a 3½-day classroom training that teaches and discusses the underlying theory, research, and goals of the program. Training also involves “a demonstration of each skill, exercises, and an opportunity for officers to practice each skill and receive feedback” (Robinson et al., 2011, pp. 58-59). Skills taught during STARR training sessions include: “active listening, role clarification, effective use of authority, effective disapproval, effective reinforcement, effective punishment, problem solving, and how to apply and review the cognitive model” (Robinson et al., 2011, p. 59). During the training, officers submit audiotaped officer-offender meetings with clients. This helps determine the officers' level of understanding skills and officers' progress. In addition, it gives trainers an opportunity to provide constructive feedback (Robinson et al., 2011).

In a study by Robinson and colleagues (2011), 88 officers submitted 598 audio recordings for review (400 from the experimental group and 198 from the control group). Robinson et al. (2011) used an experimental pretest/posttest design to analyze the impact of STARR. They found that 34 percent of STARR-trained officers used reinforcement and disapproval compared with 17 percent of untrained officers. Regarding the discussion of antisocial cognitions, peers, or impulsivity, STARR-trained officers were also significantly more likely to target antisocial cognitions, peers, or impulsivity than the control group (44 percent versus 33 percent, respectively). Further, STARR-trained officers were more likely to use cognitive techniques to teach offenders the link between cognitions and behavior (17 percent) compared with the control group (1 percent) (Robinson et al., 2011).

Within the same study, data on failure rates for clients involved in the STARR process were promising. Prior to STARR training, there was no significant difference between the experimental and control group in failure rates of moderate- and high-risk clients, at 39 percent and 38 percent, respectively. Post-training, however, the failure rate of clients in the experimental group was 26 percent compared to 34 percent for the control group—a difference that was statistically significant (Robinson et al., 2011).

The study also compared failure rates after controlling for risk level. Pre-training failure rates for moderate-risk clients showed no significant differences between the experimental and control group (32 percent versus 31 percent). Notably, at post-training, the failure rates for control-group clients stayed the same at about 32 percent, whereas the experimental-group failure rate was significantly reduced to 16 percent (Robinson et al., 2011). The effectiveness of STARR for moderate-risk offenders was subsequently replicated in a 24-month follow up (Lowenkamp, Holsinger, Robinson, & Alexander, 2012). For high-risk offenders, however, STARR skills did not yield statistically significant results. This result could be because such offenders require a larger dose of treatment than can be provided in an office visit. Research by Lowenkamp et al. (2012) provides some beginning evidence that STARR reduces recidivism among high-risk offenders when it is coupled with officer training in motivational interviewing. More research into this promising use of treatment tools is merited.

### Conclusion: Expanding the Supervision Tool Kit

In the course of a year, probation and parole officers sit in a room, perhaps across a desk, and hold a supervision conference with their charges. Are these meetings being used productively? In some cases, officers may broker services for offenders or use best practices to deliver treatment themselves. But most often, the sessions are perfunctory, amounting to little more than offenders reporting in to their supervisors. Worse, on too many occasions, at-risk offenders who are straying from their conditions of probation or parole are greeted with the threats or reality of revocation.

In effect, these perfunctory or punitive supervision meetings amount to millions of hours each year of lost opportunities to intervene productively with offenders. Our central contention, however, is that probation and parole officers are not to be blamed for these opportunity costs. In a very real way, they are sent to the job site without a tool kit to use in their work. They may be trained in how to obey policies and complete paperwork, but they are not equipped with the skills to interact effectively with their supervisees.

Fortunately, it appears that steps are now being undertaken to study precisely how officer-offender interactions can be used potentially to reduce recidivism. In this regard, the research shows that officers can have positive impact on their supervisees' risk of reoffending if they build quality relationships with them and are trained to use RNR principles during their sessions. Only beginning steps have been made thus far, but they point to an important avenue for future development.

The conferences of officers with their probationers and parolees remain an under-researched area of corrections. In calling for the development of a “supervision tool kit,” we propose that systematic efforts be undertaken to explore how to expand the resources officers can draw upon in supervision. This enterprise promises to improve offenders' chances at avoiding further criminal involvement and to improve public safety.

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# Using Research to Improve Pretrial Justice and Public Safety: Results from PSA's Risk Assessment Validation Project

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[The following article offers a descriptive overview of a new pretrial assessment instrument developed by the Pretrial Services Agency for the District of Columbia (PSA). As the implementation process moves forward and PSA compiles and analyzes data on the instrument, the authors plan to present more detailed information on the implementation process and data analysis.]

## The Need for Risk Assessment Validation

[The pretrial program's] assessment and recommendations should be based on an explicit, objective, and consistent policy for evaluating risks and identifying appropriate release options. The information gathered in the pretrial services investigation should be demonstrably related to the purposes of the pretrial release decision and should include factors shown to be related to the risk of nonappearance or of threat to the safety of any person or the community and to selection of appropriate release conditions.

National Association of  
Pretrial Services Agencies  
*Standards on Pretrial Release, Third Edition*

**TO MEET ITS** mandate to promote pretrial justice and public safety, the Pretrial Services Agency for the District of Columbia (PSA) is committed to using a research-based risk assessment instrument to gauge each defendant's potential risk of failure to appear (FTA) and rearrest while on pretrial release. Use of a research-based risk assessment tool helps the agency to ensure that its release and detention recommendations to the courts are most effective—but least restrictive—for the District of Columbia's defendant population.

PSA has used some form of risk assessment since its inception in 1967—which represents the longest continuous use of risk instruments in the pretrial field. The Agency first used a “problem/solution” grid that matched factors believed to contribute to pretrial misconduct. For example, defendants eligible for pretrial release but with prior failures to appear could receive a recommendation for regular reporting to PSA and notification of upcoming court dates. In 2005, PSA adopted a point-based assessment instrument that combined existing research and literature in the pretrial and criminal justice fields with collective input from Agency management. This instrument identified 38 risk factors that were assumed to relate to likelihood of defendant failure to appear and rearrest (see Table 1 on page 29).

PSA's vision of being a leader in the justice system<sup>1</sup> fueled the Agency's effort to develop and validate a new risk assessment instrument, strongly borrowing the best features of its previous risk assessment instrument. In 2009 PSA contracted with the Urban Institute (UI) and Maxarth Corporation to develop and validate its new risk assessment tool. Our goal was to create an instrument that improved our ability to 1) target supervision and treatment resources to defendants who, although released, present a greater probability of being rearrested while awaiting trial or missing a court appearance; 2) minimize resource investment on defendants that require less intervention based on risk; 3) account for the current and rapidly changing needs and issues facing its current defendant population; and 4) consider advances in high-

<sup>1</sup> Van Nostrand, M. (2007). *Legal and Evidence-based Practices: Application of Legal Principles, Laws and Research*. Washington, D.C.: National Institute of Corrections. Bonta, J., & Hanson, R. (1995). *Violent recidivism of men released from prison*. Paper presented at the 103rd Annual Convention of the American Psychological Association, New York, NY. Grove, W.M., Zald, D.H., Lebow, B.S., Snitz, B.E. and Nelson, C. (2000). Clinical versus mechanical prediction: A meta-analysis. *Psychological Assessment*, 12:19–30. “Introduction: Overview of current approaches to the prediction of violence.” In D. Brizer & M. Crowner (Eds.), *Current approaches to the prediction of violence*. Washington, D.C.: American Psychiatric Press, Inc. Cormier, R. B. (1997). Howe, E. (1994). Judged person dangerousness as weighted averaging, *Journal of Applied Social Psychology*, 24(14), 1270–1290. Litwack, T., Kirschner, S., and Wack, R. (1993). The assessment of dangerousness and predictions of violence: Recent research and future prospects, *Psychiatric Quarterly*, 64(3), 245–271.

**TABLE 1.**  
*Previous Risk Factors for the Risk Assessment Instrument of the Pretrial Services Agency for the District of Columbia*

Risk Factor	Risk Type	Weight
1-2 Dangerous/Violent Convictions within the past 10 years	S	6
1-2 Felony Convictions within the past 10 years	S	4
1-2 Juvenile Felony Convictions	S	5
1-2 Juvenile Dangerous/Violent Convictions	S	7
1-2 Misdemeanor Convictions within the past 10 years	S	2
3 or more Dangerous/Violent Convictions within the past 10 years	S	9
3 or more Felony Convictions within the past 10 years	S	7
3 or more Juvenile Felony Convictions	S	7
3 or more Juvenile Dangerous/Violent Convictions	S	9
3 or more Misdemeanor Convictions within the past 10 years	S	4
Alien/unknown citizenship (Federal Court)	A	3
BRA, FTA	A	5
Two or more BRA, FTA or Escape Convictions within the past 5 years	A	6
CPO Violation	S	6
Domestic Violence Assault Charge	S	5
Dangerous/Violent Charge	S	5
Dangerous/Violent Charge with pending criminal charge	S	7
Dangerous/Violent Charge with pending Dangerous/Violent charge	S	8
Dangerous/Violent charge; Dangerous/Violent convictions within the past 5 years	S	7
Murder I, Murder II or AWIK while armed	S	14
Non-area Resident	A	2
Obstruction of Justice	S	6
Pending Criminal Charge	S	5
Pending Dangerous/Violent Charge	S	6
Pending Sentencing, Appeal, Completion of Sentence	S	6
Pretrial Condition Violator (safety)	S	6
Pretrial Condition Violator (appearance)	A	6
On probation or parole	S	5
On probation or parole—unsatisfactory compliance	S	6
Suspected Alcohol Abuser (appearance)	A	2
Suspected Alcohol Abuser (safety)	S	2
Suspected Mental Health Problems (appearance)	A	4
Suspected Mental Health Problems (safety)	S	4
Suspected Drug Abuser (appearance)	A	3
Suspected Drug Abuser (safety)	S	3
Unverified Mailing Address	A	2
Victim crime	S	4
Weapons-Involved Charge	S	5

risk defendant supervision such as electronic surveillance and targeted substance abuse treatment and mental health services. UI and Maxarth submitted the final risk assessment instrument and final report to PSA in April 2012. The result, we believe, is a risk assessment that greatly improves our ability to predict future misconduct, classify defendants into the appropriate levels of supervision, and target agency resources to best promote public safety and pretrial justice.

## The New Risk Assessment

The new risk assessment maintains the best features of the current tool—such as automatic calculation of separate failure to appear and rearrest risk levels, use of risk factor information routinely obtained during the PSA investigation, and internal quality control protocols—while also enhancing predictive ability. As with the current instrument, the new tool automatically calculates and scores risk factors as staff enter diagnostic information into PSA's information management system. Many pretrial risk assessments require staff to calculate risk scores manually, which increases the potential for incorrect results. Automated computation also allows PSA to consider as many risk factors in the assessment as the research suggests. In fact, the new instrument examines nearly twice the number of risk factors as the current tool. Besides expanding the number of risk factors considered, the new instrument also assesses each defendant's specific risk to commit new dangerous, violent, or domestic violence charges.

Another advantage of PSA's new assessment tool is that it more accurately gauges a wider variety of pretrial misconduct. The benefit to PSA, its partner agencies, and the D.C. community is better matching of higher-risk defendants with appropriate levels of supervision, enhanced identification of defendants who could be released safely with no supervision or minimal monitoring, and better pretrial release and detention decision-making.

A final noteworthy feature of the new risk assessment instrument is that it will calculate risk models or different outcomes, including failure to appear, any rearrest, domestic violence and dangerous rearrest, and dangerous and/or violent rearrest. The outcome for each model will have a risk level and a risk score. The risk levels will correspond with the following categories: very low, low, medium, high, and very high and the scores will range from 0-100.

## Better Risk Prediction

Often, the key to an effective risk instrument is *predictive validity*—the degree to which the calculated risk score predicts whether or not the defendant will be involved in a future event or misconduct such as rearrest or fail to appear in court. Based on UI and Maxarth's research, the proposed assessment has a 16 percent greater predictive accuracy than PSA's current risk assessment in identifying defendants most likely to miss future court dates or to be rearrested. Although rearrests on dangerous or violent charges are rare within the local defendant population, the new assessment identified these events eight percent more accurately than the current assessment.

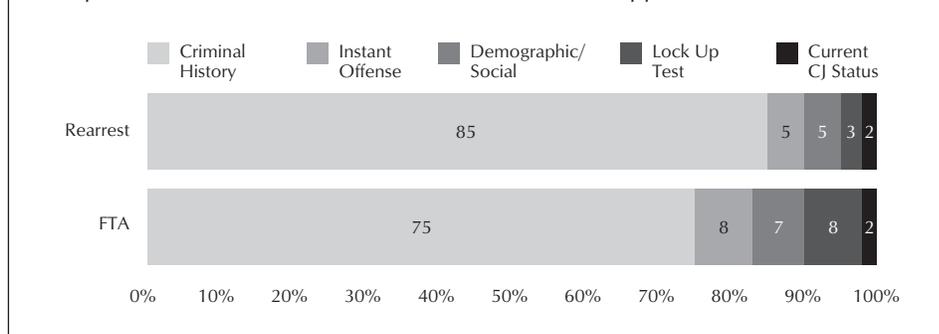
## More Accurate Risk Factors

The new assessment also improves *content validity*—how accurately risk factors used reflect defendants' criminogenic risk. Agency staff and leadership were engaged throughout the developmental process. In its discussions with UI and Maxarth, PSA management identified variables to be considered in the research, based on staff's clinical experience and recent risk assessment research in the pretrial field. In addition, the new assessment also nearly doubled the number of risk factors compared to our previous instrument (70 factors, up from 38 under the current assessment) and weighted them more accurately according to their empirical relationship to FTA and rearrest (See Table 2 below). Using 44,823 administrative records of defendant cases filed in the Superior Court for the District of Columbia and the U.S. District Court for the District of Columbia between October 2007 and August 2010, the team developed risk models based on five domains for risk factors: defendant characteristics (9 factors), prior criminal history (39 factors), instant offense types (14 factors), lockup drug tests (5 factors), and current criminal justice status (3 factors).

PSA also identified five pretrial misconduct outcomes that included failure to appear; any rearrest involving a new papered criminal charge or serious traffic offense; rearrest for a dangerous/violent/domestic violence offense charge; rearrest for a domestic violence charge; and persistent drug use. The combination of these outcomes and subgroups resulted in 11 risk prediction models and resulting scales that all predicted the probability of pretrial misconduct more accurately than the previous risk assessment instrument.

**FIGURE 1.**

*Impact of PSA risk domains on rearrest and failure to appear rates*



Consistent with findings from other pretrial risk assessment studies, the criminal history and current charge domains had the highest correlations to FTA and rearrest for any new criminal charge.<sup>2</sup> The current charge domain also better predicted the risk of rearrest on a dangerous or violent charge. While significant, “dynamic” risk factors (those that might change during the course of the pretrial period), such as demographic and social information and current status with the justice system, were less predictive of pretrial misconduct. See Figure 1.

## Redefining Risk

The UI/Maxarth's research design is the first in the pretrial field to include in the definition of “safety risk” (beyond rearrest on any new charge) new violent offenses, dangerous charges, or domestic-violence related crimes. As a result, the new risk assessment will help PSA to distinguish general and specific criminality risks and determine if certain defendants pose a greater risk of involvement in more serious crimes if released during the pretrial period.

<sup>2</sup> VanNostrand, M. (2003). *Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument*. Virginia Department of Criminal Justice Services. Siddiqi, Q. (2006). *Final Report: Predicting the Likelihood of Pretrial Re-arrest for Violent Felony Offenses and Examining the Risk of Pretrial Failure among New York City Defendants: An Analysis of the 2001 Dataset*. New York City Criminal Justice Agency. Lowenkamp, Lemke, C.R., and Latessa, E. (December, 2008). *The Development and Validation of a Pretrial Screening Tool*. *Federal Probation*, Vol. 72 (3): 2–9. Pretrial Justice Institute (August 11, 2009) 2009 Survey of Pretrial Services Programs. KiDeuk, K., Bhati, A., & Denver, M. (2012). *Final Report: Development and Validation of Risk Assessment Instruments for Pretrial Services Agency for the District of Columbia*. Washington, DC.

## Risk Suppression

Many of the defendants studied under the risk assessment were on pretrial supervision. This previous supervision may have helped suppress the defendant's risk of failure to appear and rearrest. However, supervision also may have minimized the true relationship of certain factors to pretrial risk. The UI/Maxarth research team developed a method that reduced the potential impact of “supervision suppression” across common supervision conditions. Specifically, they conducted analysis using the observed risk predictors and ensured that the covariance between these predictors and conditions of pretrial release or the extent to which one of these related factors may change and cause change in the other was eliminated. This ensured that pretrial misconduct would not be biased, whether or not risk suppression existed in the data, if the risk predictors were unrelated to the conditions of release. They also conducted modeling to determine the probability that each defendant would likely receive different supervision or release conditions, developed probability treatment weights, and then balanced the data while developing and validating risk assessment instruments. The result was a more accurate description of the relationship between risk factors and outcomes for pretrial defendants in the District of Columbia.

## Independent Expert Review

The risk assessment development and validation study included a thorough review of the design, methodology, analysis, and recommendations by an external, independent review panel composed of respected national experts in the field of pretrial and post-sentence risk assessment. The review panel critiqued UI/Maxarth's research design and methodology and gauged whether the findings and recommendations were consistent

**TABLE 2.**  
*New Risk Assessment Dimensions and Risk Factors for the Pretrial Services Agency for the District of Columbia*

Risk Dimensions and Risk Factors				
Demographic/Social Predictors				
Gender	Age at Arrest	D.C. Resident	Number of Children	Living with Children
Employment Status	Physical Problems	Emotional Problems	U.S. Citizenship	
Instant Offense				
Felony	Misdemeanor	Violent Charge	Dangerous Charge	Person Charge
Weapons Charge	Sex Charge	Property Charge	Criminal Contempt	Sexual Solicitation
Drug Possession	Drug Distribution	Domestic Violence—Person	Domestic Violence—Non person	
Current Criminal Justice Status				
Pending Criminal Charge	Pending Dangerous/Violent Charge	Current Probation Parole Status		
Criminal History				
Past Felony Arrest	Past Misdemeanor Arrest	Past Violent Arrest	Past Dangerous Arrest	Past Person Arrest
Past Weapons Arrest	Past Sex Crime Arrest	Past Property Arrest	Past BRA Arrest	Past Escape Arrest
Past Criminal Contempt Arrest	Past Sexual Solicitation Arrest	Past Drug Possession Arrest	Past Drug Distribution Arrest	Past Traffic Arrest
Past Domestic Violence-Person Arrest	Past Domestic Violence-Non person Arrest	Past Felony Conviction	Past Misdemeanor Conviction	Past Violent Conviction
Past Dangerous Conviction	Past Person Conviction	Past Weapon Conviction	Past Sex Crime Conviction	Past Property Conviction
Past BRA Conviction	Past Escape Conviction	Past Criminal Contempt Conviction	Past Sexual Solicitation Conviction	Past Drug Possession Conviction
Past Drug Distribution Conviction	Past Traffic Conviction	Past Domestic Violence-Person Conviction	Past Domestic Violence-Non person Conviction	Past Juvenile Arrest
Past Juvenile Conviction	Prior Bench Warrants	Age at First Arrest	Number of Prior Arrests per year	
Pre-Initial Appearance Drug Test				
Negative Test Result	Amphetamine Test	Cocaine Test	Opiate Test	PCP Test
*The Criminal History, Instant Offense, and Demographic/Social Domains account for nearly 90% of most risk assessment scores.				

with the data. After a comprehensive review, the panel confirmed the integrity of the research design and the final risk instrument. Individual panel members also made constructive and beneficial recommendations regarding implementation, staff training, risk assessment automation, and engaging stakeholders and partner agencies that will be included in our implementation phase.

## Next Steps

The new risk assessment continues PSA's commitment to grounding its operations and practices in solid, evidence-based research. By more closely aligning release and detention recommendations with factors associated with failure to appear and rearrest, the new risk assessment will improve our ability to predict defendant misconduct and target supervision resources accordingly. The new assessment will also enable PSA to define and assess "risk" in different ways, further tailoring recommendations and supervision to specific types of potential misconduct.

Finally, the implementation phase will build in the capacity for PSA to test and retest the predictive accuracy of newly-identified variables for the assessment against failure to appear and rearrest. Specifically, the new risk assessment tests the predictive accuracy of risk factors by creating risk models and looking at the relative impact of the factors on different outcomes. It also looks at the impact of various predictive domains on the scores. The impact of the scores is computed separately for each predictor on each model (subgroup and outcome combinations).

The new risk assessment brings a greater degree of science and precision to PSA's release and detention recommendations. The UI/Maxarth team employed a solid methodology in creating the assessment, incorporating the best of what we know from the criminal justice field and from previous risk assessment research. The team's particular attention to risk suppression, weighting, and validation all enhanced the overall quality of the research and usefulness of the findings.

## Implementation

In order to implement the new risk assessment, PSA convened a cross-functional project team consisting of representatives from the Office of Operations, the Court Services Program, the Supervision Program, the Treatment Program, and the Office of Strategic Development, along with the Office of Information Technology. The implementation

project team will facilitate the education of both internal and external stakeholders about the new instrument. It will also oversee the development of internal policies governing the use of the instrument throughout PSA operations and development of the necessary training for front-line staff.

In conjunction with the Agency's Office of Information Technology, PSA's risk assessment implementation team is developing functional requirements for the automation of the risk assessment instrument (RAI) to ensure that PSA's information management system fully supports the new instrument. Risk factor calculation will continue to be automatic and

transparent as staff perform routine investigative data entry. Continued automation will also allow PSA to consider additional risk factors in the assessment. Major milestones during the implementation phase will be:

1. completion of required Pretrial Realtime Information System Manager (PRISM) updates and revisions to support the new instrument (PRISM is the agency's web-based client and case management system);
2. discussions with major stakeholders about the new assessment;
3. completion of supporting operational procedures;
4. staff training on the new instrument; and

5. an impact review to gauge the new instrument's effect on release and detention recommendations, assignments to supervision, supervision compliance rates, and rates of FTA and rearrest.

In addition, PSA will work with independent evaluators to determine the practicality of a separate risk screener to gauge risk throughout the supervision period and adjust case management levels accordingly.

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# Officer Stress Linked to CVD: What We Know

*James M. Vicini Jr.*

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**WHEN I BEGAN** researching law enforcement officer safety information in late February of 2013, I found myself on the Officer Down Memorial website ([www.odmp.org/](http://www.odmp.org/)). I followed a link to a July 5, 2012 memorandum from the National Tactical Officers Association that provided information related to officer deaths during training. As I scrolled through the brief descriptions of each incident, I came upon a name that was familiar to me. Reading the biography of the officer, I suddenly realized that I had known and worked with him as a police officer before beginning my career with U.S. Probation and Pretrial Services. Sadly, he had died in 2007 while attending training with the U.S. Marshals Service at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. He had suffered a heart attack while participating in physical training and, despite efforts of those there to resuscitate him, died at the age of 36, leaving behind a wife and an 11-year-old son.

According to the National Tactical Officers Association memorandum, 14 officers did not return home from training exercises in 2011. Most sobering was the nature of the officers' demise. One officer died from a gunshot wound, one officer drowned, one officer died in a rappelling accident; however, 11 officers suffered medical conditions that included heart attacks, heat stroke, pulmonary embolism, and stroke. Over 79 percent of officers who died in training exercises that year died from some form of medical condition, and most of those conditions were closely associated with cardiovascular disease (CVD). In further researching law enforcement officer fatalities from heart attacks and

other medical-related causes, I found that heart attack was overwhelmingly represented as the cause of officers' death in training. Even more surprising were the ages of the officers. The youngest officers reported were 21 years old (many of these younger officers had other contributing factors to death), and the oldest officer was 62. The average of the 50 officers whose age had been identified was 41.04 years old. I found that, overwhelmingly, these officers were in their late 30s and early 40s.

My initial response, a response I have commonly heard throughout my law enforcement career, was, "These officers must have been physically de-conditioned, and tried to push too hard during training." However, when I more closely reviewed several cases, I identified a 41-year-old male who was a former airborne ranger and had placed second in a triathlon just one year before his death. I identified a 43-year-old officer who was an avid runner and coached a youth running club. I also noted a 51-year-old former Navy Seal, among many other officers, who had participated in activities synonymous with physical health and fitness. And in fact from within the past five years at least two federal agents known to me personally succumbed suddenly to cardiovascular-related deaths before retirement. My interactions with both of them gave me the impression that they were very physically fit and healthy people.

I wondered, "Is this normal? Does it translate to the general population?"

The next website I turned to was the National Center for Biotechnology Information, which contains information from the U.S. National Library of Medicine and the National Institutes of Health. Numerous

studies have been performed regarding the link between cardiovascular disease and stress. Several of these studies have focused primarily on the law enforcement community, since "law enforcement is considered to be one of the most stressful occupations" (National Institute for Occupational Safety and Health, 2008).

Studies show that law enforcement officers suffer higher morbidity and mortality rates than those of the general population, with a reported prevalence of cardiovascular disease 1.7 times higher (Zimmerman, 2012). Further, law enforcement officers have a higher incidence of atherosclerosis, even when they are relatively young. Employed officers show a high prevalence of risk factors traditionally associated with CVD, including hypertension, hyperlipidemia, metabolic syndrome, cigarette smoking, and a sedentary lifestyle. Obesity may be reported more commonly among officers than among civilians, although diabetes is present less frequently. Studies show that 80 to 83 percent of the law enforcement officers had a body mass index (BMI) greater than 25.0 (considered overweight or obese). One caveat identified, however, is that officers generally have a higher percentage of lean muscle mass, which is a statistic often used when determining one's overall health. Surprisingly, even in the presence of several significant risk factors identified in a study (such as overweight, obesity, perceived stress, vital exhaustion, and relevant physical inactivity), most officers (93 percent) rated their health as "good to excellent" (Ramey, 2011). This indicates a possible lack of awareness by officers of their CVD risk.

Law enforcement personnel are also exposed to occupation-specific risk factors that include sudden physical exertion, acute and chronic psychological stress, shift work, and noise. Critical incident stress, commonly thought to pose the greatest risk to law enforcement officers, includes exposure to traumatic and/or violent events such as physical danger, violence, death, crime, homicides, accidents, and injury. One study shows the correlation of Post Traumatic Stress Disorder (PTSD) to CVD as high as 95 percent (Violanti, 2006).

Chronic exposure to any stress may result in vital exhaustion. Vital exhaustion, primarily measured through questionnaire, is characterized by excessive fatigue, irritability, and demoralization. Studies have identified that working in law enforcement exposes officers to multiple types of stress, from both critical incidents and organizational sources. These same studies have revealed that the majority of occupational stress for officers arises from within the law enforcement organization itself. Organizational stressors, reported four to six times greater than those of critical incident stressors, include extended work hours, shift work, a negative public image, and a governance structure that is usually hierarchical and paramilitaristic and often involves a top-down style of management. Other constructs associated with occupational stress include an imbalance between job demands and job control, and between effort and reward.

Several studies have shown that the occupational stressors ranking highest were not specific to the actual work of law enforcement, but to organizational issues such as the demands of work impinging upon home life, lack of consultation and communication, lack of control over workload, inadequate support, and excess workload in general. One specific British study performed in the United Kingdom notes: "Much work has been done to try to identify the issues most associated with police stress. The greater part of this work stems from the USA and is not necessarily directly comparable to this country. However, an interesting and perhaps surprising finding within the US data is that it is not operational aspects, such as the risk of violence or exposure to traumatic events, which are perceived as most stressful—but, rather, organizational issues, such as managerial structure and climate." The British study identified the two most significant stressors as: 1) Demands of work impinging on home and 2) Not enough support from superior officers (Collins, 2003).

Behavioral patterns were also of concern in the UK study, which found that law enforcement officers appear to respond to feeling stressed with negative/withdrawal behavior patterns of working harder, taking work home, and keeping things to themselves, rather than taking breaks, delegating to others, or talking to colleagues. They were also less likely to use exercise to release tension, and smokers among them were more likely to increase their consumption, with some non-smokers seeming to be prepared to adopt the habit. Disturbingly, law enforcement officers under stress also were more likely to take their stress out on colleagues or the public.

The British article also points to previous evidence that supports personal predisposition to anxiety. These individuals may be more likely to report stress independent of any work-related factors. This may be linked to particular personality types, notably Type A, that appear more stress-prone. It is possible that an increased proportion of particular personality types may enter law enforcement, both by self-selection and by recruitment selection. Type A personalities, for example, are likely to be attractive to law enforcement because of several common characteristics they share, such as high levels of drive, competitiveness, and achievement. It is also possible that the development of Type A behavior is positively encouraged by the law enforcement culture and that some of these traits may be culturally acquired.

So what are possible remedies to this problem? Some worthy suggestions from the authors of these articles include the following:

Interventions should include changes at the level of the individual officer, management, and policy within law enforcement agencies. Individual officer behavior changes should address physical activity, healthy eating, and stress recognition and management. Other interventions include transformational leadership principles, increased support in the form of health education for officers, clarification of job expectations, and better communication within the organization.

Nationally, the federal probation and pretrial services system that I am a member of has recognized a need for officer wellness programs through training and education. A group was formed to implement curriculum into the officer training at the National Training Academy for federal probation and pretrial services officers; this group continues to work on other programs as well as on policy and guidance. At the local level, many federal

probation and pretrial services districts have implemented health and wellness programs that provide education, training, and participation in classes and challenges.

Law enforcement officers need to be aware of the excessive prevalence of overweight and obesity in their ranks. Evidence shows that regular physical training can both reduce stress and improve mental well-being. This would correspond to the need for good general fitness for the physical demands of law enforcement officers.

Awareness of CVD risk is needed for those employed in law enforcement to facilitate disease management. This is especially relevant in the current economic climate, with officers working more hours and longer years into their career. Ongoing screenings and assessments of officers' health are essential. Half or more of all the officers in these studies reported often feeling tired, repeatedly waking during the night, or waking feeling exhausted and fatigued. Officers should consider requesting that their physicians test for signs of CVD and other illness/disease at regular check-ups, even if they are younger than the standard risk profiles show, since members of the law enforcement profession have been identified as exhibiting the premature onset of such problems.

Management staff must make efforts to identify when officers are becoming overwhelmed with workload. Apportioning work in an equitable manner is essential, both to avoid overloading certain officers and to help all officers feel valued and rewarded. A common pitfall is to "reward" officers who perform well—by giving them additional work. Taking into account the Type A personality factor, which as noted above is prevalent within our system, officers may take on more than they are capable of in an effort to satisfy management and peers.

As this article was being written, I was made aware of an incident that had occurred in St. Paul, Minnesota. Police officer Josh Lynaugh, 30 years old, became ill after a foot pursuit and was treated for a heart attack at a nearby hospital, where he died.

Sadly, it is my opinion that this already prevalent issue may be underreported. The data related to officer deaths only reported incidents during training, and therefore is likely to be incomplete. The sources providing information related to CVD symptoms were confined to small control groups, all employed as officers at the time the studies were conducted. When considering other

variables, such as officers who succumbed to CVD-related ailments while off-duty, shortly after retirement, or while performing their duties such as Officer Josh Lynaugh, the numbers may increase significantly. According to the UK study, a very large number of officers identified that they considered leaving law enforcement due to the stress involved. We must also acknowledge that some former officers now in the civilian population may be suffering from some form of CVD symptoms as well.

As individuals and collectively as members of law enforcement systems we must first acknowledge this issue and then accept that it is our responsibility to care for ourselves and our co-workers, for the sake of our own lives,

our families, and our mandate to effectively and efficiently serve the law enforcement systems to which we belong.

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# JUVENILE FOCUS

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## OJJDP Training Directory Available

OJJDP has released the September 2012 edition of the *OJJDP NTTAC Training and Technical Assistance Provider Directory*. The online directory describes each of OJJDP's 40 training and technical assistance providers and the nearly 60 projects they manage nationwide and the services they provide. The directory is available online at [nttac.org/views/docs/nttac\\_catalog\\_508\\_c.pdf](http://nttac.org/views/docs/nttac_catalog_508_c.pdf)

## Juvenile Justice Reforms

The National Juvenile Justice Network (NJJN), with funding from the John D. and Catherine T. MacArthur Foundation's Models for Change initiative, has released *Advances in Juvenile Justice Reform*. The report documents advances and reforms in juvenile justice across the country between 2009 and 2011 in 24 policy areas, including closing and downsizing facilities, reducing the recidivism rate, stemming the school-to-prison pipeline, and addressing juveniles involved in the adult justice system. You can browse the online edition by state and by issue.

## Violent and Property Crime Rates in 2011

The Bureau of Justice Statistics (BJS) has released *Criminal Victimization, 2011* (NCJ 239437), which presents 2011 estimates of rates and levels of violent victimization (rape or sexual assault, robbery, aggravated assault, and simple assault) and property victimization (burglary, motor vehicle theft, and property theft) in the U.S. Details are available at [www.ncjrs.gov/bjsreleases/cv11.htm](http://www.ncjrs.gov/bjsreleases/cv11.htm)

## Behavioral Health and Corrections Framework

In partnership with the National Institute of Corrections, Bureau of Justice Assistance, and Substance Abuse and Mental Health

Services Administration, the Council of State Governments has developed the Behavioral Health and Corrections Framework, a comprehensive tool outlining how local public health and behavioral health institutions can partner with area criminal justice agencies such as departments of corrections to provide offenders with improved treatment options based on their risk to reoffend, severity of mental illness, and level of substance abuse. The results of this approach can potentially lead to better outcomes for both offenders and the communities they return to after completing their sentences.

Hard copies of the Framework can be obtained by request through the NIC Information Center or by download from the NIC website. A 4-page summary report is also available from the Council of State Governments.

## Women with Criminal Justice Involvement

The National Institute of Corrections has developed an interactive directory of programs designed for women offenders. This directory, available at <http://nicic.gov/WODPI/>, features a clickable map and drop-down menu that allows you to select a state and a list of available programs. Entries include a full summary of services, listing of those the program aims to help, and information on how you can learn more. *The National Directory of Programs* is a product of the NIC Women Offenders Initiative and the Women's Prison Association, which is a community-based organization providing service and advocacy assistance to justice-involved women.

## Online Training for Mentors

OJJDP's National Training and Technical Assistance Center now links to mentoring training and resources on The Center for the Advancement of Mentoring website. These resources, developed to assist OJJDP mentoring grantees, include a training series on

how to mentor young people involved in the juvenile justice or foster care systems or at risk for gang involvement. See the mentoring resources page at [www.ojjdp.gov/programs/mentoring.html](http://www.ojjdp.gov/programs/mentoring.html)

## Online Mentoring Resources

The National Mentoring Partnership has released *The Chronicle of Evidence-Based Mentoring*, a new online newsletter for mentoring professionals. The newsletter will highlight new research findings and ideas about youth mentoring and will provide practitioners with a forum to share their experiences. Read the newsletter online at <http://chronicle.umbmentoring.org>. Learn more about MENTOR at the mentoring resource page at [www.ojjdp.gov/programs/mentoring.html](http://www.ojjdp.gov/programs/mentoring.html)

## Underage Drinkers

OJJDP has released *Community Supervision of Underage Drinkers* (NCJ 237147), which provides a theoretical overview on which to base policies, procedures, and practices that will help professionals—and their corresponding agencies—effectively supervise underage drinkers in the community. The authors also discuss the legal issues that professionals may encounter when working with these youth. This bulletin is part of OJJDP's Underage Drinking series, which underscores the dangers of underage drinking and provides guidelines for communities developing treatment and prevention programs.

## Delinquency Cases in Juvenile and Criminal Courts

OJJDP has released three fact sheets on delinquency cases in juvenile and criminal courts:

- *Delinquency Cases in Juvenile Court, 2009*, presents statistics on delinquency cases that U.S. courts with juvenile jurisdiction processed for public order, person, and property offenses and drug law violations between 1985 and 2009.

- *Delinquency Cases Waived to Criminal Court, 2009*, presents statistics on petitioned delinquency cases waived to criminal court between 1985 and 2009.
- *Juvenile Delinquency Probation Caseload, 2009*, presents statistics on delinquency cases resulting in probation between 1985 and 2009.

See National Center for Juvenile Justice report, *Juvenile Court Statistics 2009* and OJJDP's Statistical Briefing Book for additional information on juvenile courts case processing.

## Children Exposed to Violence

The American Academy of Pediatrics, supported by a grant from the Office for Victims of Crime (OVC), has launched a new website that provides pediatricians with resources to modify the operations of their practice to identify, treat, and refer children who have been victims of or witnesses to violence. See Defending Childhood Initiative at [www.justice.gov/defendingchildhood/about-initiative.html](http://www.justice.gov/defendingchildhood/about-initiative.html)

Access OJJDP publications on children's exposure to violence at [www.ojjdp.gov/publications/pubresults.asp?sei=94](http://www.ojjdp.gov/publications/pubresults.asp?sei=94)

## American Indian/Alaska Native SANE-SART Initiative

The Office for Victims of Crime (OVC) established the American Indian/Alaska Native (AI/AN) Sexual Assault Response Team-Sexual Assault Nurse Examiner (SANE-SART) Initiative in 2010 to address the comprehensive needs of tribal victims of sexual violence, with the ultimate goal of institutionalizing sustainable and evidence-based practices that meet the needs of tribal communities.

OVC has released a new Weblet at [www.ovc.gov/aiansane-sart/index.html](http://www.ovc.gov/aiansane-sart/index.html) offering a dedicated area that contains information about the following:

- Foundation of the initiative
- Goals of the initiative
- Demonstration sites
- Federal Advisory Committee
- Training and technical assistance

Updates posted on the Weblet include:

- Meeting minutes and documents from the Federal Advisory Committee
- Frequently asked questions
- National guidelines

## Arrest in the United States, 1990–2010

This report presents annual estimates of arrests in the United States between 1990 and

2010. Based on data collected by the FBI's Uniform Crime Reporting Program, *Arrest in the United States, 1990–2010* expands the FBI's set of published arrest estimates to include offense-specific arrest estimates grouped by age, sex, and race. These breakdowns of arrests and arrest trends provide a detailed description of the flow of individuals into the criminal justice system over a long period. The national estimates represent arrests by state and local law enforcement agencies and control for variations in sample coverage from year to year.

Highlights include:

- The number of murder arrests in the U.S. fell by half between 1990 and 2010. The adult and juvenile arrest rates dropped substantially in the 1990s, while both continued to fall about 20 percent between 2000 and 2010, reaching their lowest levels since at least 1990.
- There were 80 percent more arrests for drug possession or use in 2010 than in 1990. Even though the rate declined between 2006 and 2010, the arrest rate for drug possession or use in 2010 was still 46 percent above its 1990 level and was at levels similar to those seen between 1997 and 2002.
- The male arrest rate for larceny-theft in 2010 was about half of the 1990 rate. In comparison, the female arrest rate in 2010 was just 8 percent below its 1990 level. The female rate fell 25 percent between 1990 and 2000, remained constant for several years, then grew between 2005 and 2010 to erase most of the decline experienced in the 1990s.

## Officer Safety

The U.S. Department of Justice's Office of Justice Programs (OJP) and Office of Community Oriented Policing Services (COPS) teamed up with the International Association of Chiefs of Police (IACP) on an Officer Safety and Wellness Police Suicide webcast as part of ongoing efforts to protect the health and safety of law enforcement officers. The purpose of the webcast was to raise awareness among law enforcement about the issue of police suicide and to provide practical information and resources on prevention. By some estimates, more than 140 law enforcement officers committed suicide in each of the last four years, a startling and unacceptable number. Many law enforcement agencies lack the resources to prevent officer suicide and are unable to respond effectively when it occurs.

## Juvenile Justice Reform Briefs

Models for Change, a national juvenile justice reform initiative funded by the MacArthur Foundation, has made available a series of online Knowledge Briefs at [www.modelsforchange.net/publications/listing.html](http://www.modelsforchange.net/publications/listing.html). Each brief provides juvenile justice professionals with knowledge emerging from Models for Change on juvenile justice reform. The MacArthur Foundation and OJJDP are collaborating to disseminate learning and innovations emerging from Models for Change, which aims to create replicable juvenile justice reform models that protect community safety, use resources wisely, and improve outcomes for youth.

## Corrections Budgets in Free Fall

Across the country, correctional agencies are facing an era of fiscal austerity. They are being tasked with meeting the mission of public safety with reduced resources while maintaining effective operations and the efficient use of public funding. In a 2011 survey of correctional professionals, 98.5 percent of the respondents indicated that cost containment is a significant or critical concern within their organizations. Ninety-two percent of the respondents indicated that their agency has engaged in targeted cost containment efforts within the past five years. These cost containment efforts were primarily the result of budget constraints due to both short and long-term economic conditions.

The primary targets for cost reductions are in the areas where correctional agencies expend the majority of their resources—staffing, offender medical/mental health services, and supervising the offender population. As they considered budget restrictions, respondents focused on three approaches:

- targeted reductions (such as hiring freeze, reduction in overtime);
- changes in business practices (such as bulk food purchasing, reducing hospital stays by inmates; more efficient pharmaceutical purchasing); and
- the use of new technology (such as increased web-based training, increased use of electronic monitoring, online bail system). In addition, many states have embarked on an agenda of reducing the incarcerated population with more (and dramatically less expensive) supervision in the community.

## Cost Containment Framework

The National Institute of Corrections (NIC) understands the critical budget situations many corrections agencies are facing. Under a cooperative agreement with NIC, The Moss Group, Inc. has collaborated with NIC, stakeholders, a global professional services firm, and practitioners in the field to develop an online resource center for correctional agencies. The cost containment framework assists correctional administrators in developing strategies for thoughtfully containing and sustaining costs in their agencies by analyzing and targeting budget expenditures.

A key strategy outlined is a risk-based budgeting approach. Risk-based approaches are endorsed by a consortium of “good business” organizations and industry that is centralized as the Committee of Sponsoring Organizations (COSO). Using risk management in operational decisions (including budgeting and funding) is well established through COSO. The center provides tools for developing a strategy before a budgetary crisis strikes. It allows an agency head to develop contingency plans that will assist in ongoing day-to-day cost containment and respond to requests from a chief executive or legislative body to reduce costs.

## Court Preparation for Children

The National Child Protection Training Center has released to the public a previous issue of its newsletter, CenterPiece, that explores the effectiveness of preparation programs for children in dependency court. The newsletter was funded through an OJJDP grant, is free, and is available online at [www.ncptc.org](http://www.ncptc.org).

## Improving Juvenile Justice System for Girls

The Georgetown Center on Poverty, Inequality and Public Policy has released *Improving the Juvenile Justice System for Girls: Lessons From the States*. The report reviews the literature documenting girls’ pathways into the juvenile justice system; examines recent gender-responsive, trauma-informed reform efforts; highlights reform efforts in three jurisdictions; and concludes with recommendations for future efforts at the local, state, and federal levels. This report is a product of the policy series, *Marginalized Girls: Creating Pathways to Opportunity* hosted by the center in partnership with The National Crittenton Foundation and the Human Rights Project for Girls.

## Helping Incarcerated Parents

Incarcerated parents in federal facilities owe an average of \$24,000 in child support. Read how child support program collaborations are helping these parents meet their obligations in a new OCSE fact sheet, *Child Support Collaboration with Federal Criminal Justice Agencies*, available at [www.acf.hhs.gov/programs/css/resource/child-support-collaboration-with-federal-criminal-justice-agencies](http://www.acf.hhs.gov/programs/css/resource/child-support-collaboration-with-federal-criminal-justice-agencies).

## BJS Study

The Bureau of Justice Statistics (BJS) has released *Pretrial Release and Misconduct in Federal District Courts, 2008–2010* (NCJ 239243). The report, which presents findings on pretrial release and misconduct among defendants in federal district courts for the combined fiscal years 2008, 2009, and 2010, is available at [www.ncjrs.gov/bjsreleases/prmfd0810.htm](http://www.ncjrs.gov/bjsreleases/prmfd0810.htm)

## Transition from Jail to Community Initiative

In 2007, the National Institute of Corrections (NIC) partnered with the Urban Institute (UI) to develop and test an innovative, comprehensive model for effective jail-to-community transition. The resulting model and Transition from Jail to Community (TJC) Initiative advances systems-level change and local reentry through collaborative, coordinated jail-community partnerships. Enhanced public safety, reduced recidivism, and improved reintegration are overarching goals. Six communities tested the TJC model. This report examines the six sites’ TJC implementation experiences and presents findings from the cross-site systems change evaluation. The latter suggests that the TJC model is a viable and promising approach to jail transition.

## Transferring Juveniles to Adult Court

OJJDP has released *Transfer of Adolescents to Adult Court: Effects of a Broad Policy in One Court*. The bulletin examines the effects of transfer from juvenile court to adult court on a sample of serious adolescent offenders. The authors also discuss the implications of the findings for future changes in transfer statutes. The findings are the result of the OJJDP co-sponsored Pathways to Desistance study, which investigates factors that lead serious juvenile offenders to cease or continue offending.

View, download, or order printed copies of *Transfer of Adolescents to Adult Court: Effects of a Broad Policy in One Court* and other titles in the Pathways to Desistance series. Print copies can be ordered online from the National Criminal Justice Reference Service

## Updated DMC Fact Sheet

OJJDP has published an update to the In Focus fact sheet, *Disproportionate Minority Contact*. This fact sheet provides an overview of OJJDP’s efforts to reduce disproportionate minority contact (DMC) in juvenile justice systems, summarizes states’ DMC-reduction activities as of fiscal year 2011, and includes a description of OJJDP’s five-phase DMC Reduction Model, which helps states determine whether disproportionality exists within their jurisdictions, and if it does, provides a step-by-step guide for their reduction efforts. Access OJJDP’s DMC tools and resources, which include the DMC Virtual Resource Center, a networking forum that supports state and local DMC efforts.

## Adults Under Correctional Supervision in 2011

The Bureau of Justice Statistics (BJS) has released *Correctional Populations in the United States, 2011* (NCJ 239972) and *Probation and Parole in the United States, 2011* (NCJ 239686). These reports present data on adult offenders under supervision in adult correctional systems in the United States at year-end 2011.

## Firearms Stolen

The Bureau of Justice Statistics (BJS) has released *Firearms Stolen during Household Burglaries and Other Property Crimes, 2005–2010* (NCJ 239436). It presents findings on the number of property crime victimizations involving the theft of one or more firearms, the number of firearms stolen each year, and the characteristics of property crimes involving stolen firearms.

## Unmet Educational Needs

Georgetown University’s Center for Juvenile Justice Reform (CJJR) has released the second edition of *Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems*. This paper outlines strategies for meeting the complex educational needs of children and youth involved with the juvenile justice and foster-care systems. Updated material includes references and guides developed by the National Evaluation and Technical Assistance

Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC). The paper is available online at [cjjr.georgetown.edu/pdfs/ed/edpaper2012.pdf](http://cjjr.georgetown.edu/pdfs/ed/edpaper2012.pdf). You can also download the NDTAC guides:

- *Providing Individually Tailored Academic and Behavioral Support Services for Youth in the Juvenile Justice and Child Welfare Systems*
- *Improving Educational Outcomes for Youth in the Juvenile Justice and Child Welfare Systems Through Interagency Communication and Collaboration*

### Prison Population Decline

The Bureau of Justice Statistics (BJS) has released *Prisoners in 2011* (NCJ 239808), which presents data on prisoners under the jurisdiction of federal and state correctional authorities on December 31, 2011, collected from the National Prisoner Statistics series. It is available at [www.ncjrs.gov/bjsreleases/p11.htm](http://www.ncjrs.gov/bjsreleases/p11.htm)

### State Corrections Expenditures

BJS has released *State Corrections Expenditures, FY 1982–2010* (NCJ 239672), which presents data on state corrections expenditures from fiscal years 1982 to 2010. This bulletin examines trends in state corrections spending for building and operating institutions and for other corrections functions.

### Trying Youth as Adults

After a year-long exhaustive study, the Attorney General's Task Force on Children Exposed to Violence issued comprehensive recommendations to the Attorney General on reducing children's exposure to violence, including a recommendation to abandon policies that prosecute, incarcerate, or sentence youth under 18 in adult criminal court. According to the report: "We should stop treating juvenile offenders as if they were adults, prosecuting them in adult courts, incarcerating them as adults, and sentencing them to harsh punishments that ignore their capacity to grow."

"The Task Force's recommendation to remove youth from adult criminal court is grounded in the latest research on effective approaches to reducing juvenile crime," says Liz Ryan, Campaign for Youth Justice's (CFYJ) president and CEO. "We look forward to working with Attorney General Holder and members of the Task Force to ensure that federal and state policies and budgets align with this recommendation."

An estimated 250,000 youth under the age of 18 are being handled by the adult criminal justice system each year and nearly 100,000 youth are cycled through adult jails and prisons annually in the United States. According to research by the Bureau of Justice Statistics, 21 percent and 13 percent respectively of all substantiated victims of inmate-on-inmate

sexual violence in jails in 2005 and 2006 were youth under the age of 18. Research also shows that youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

Studies across the nation have consistently concluded that juvenile transfer laws are ineffective in deterring crime and reducing recidivism. U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the federal Centers for Disease Control and Prevention have sponsored research highlighting the ineffectiveness of juvenile transfer laws in deterring juvenile delinquency and decreasing recidivism.

The Task Force's recommendation reflects the policies of all the major professional associations representing juvenile and adult criminal justice system stakeholders such as the American Correctional Association, the American Jail Association, the Council of Juvenile Correctional Administrators, the National Partnership for Juvenile Services, and the National Association of Counties that highlight the harm youth are subjected to in the adult criminal justice system. See <http://www.justice.gov/opa/pr/2012/December/12-ag-1487.html>

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